## ADJOURNMENT MOTION.

Mr. K. Krishnan Nair handed over to the President notice of a motion to move the adjournment of the House to discuss a definite matter of urgent public importance.

**DEPUTY PRESIDENT:** Mr. Krishnan Nair has placed in my hands notice of a motion expressing his desire to move for the adjournment of the House to discuss a definite matter of urgent public importance, namely, the absolute necessity for making the enquiry, promised by the Dewan, into the allegations of violence by the Police at Alleppey in connection with the disobedience of the prohibitory orders of the District Magistrate, Quilon, a public enquiry presided over by a judge, assisted by elected representatives of this Council, so as to secure public confidence.

A motion, substantially identical to this was placed in the hands of the President on the first day of this sitting; that has been ruled out. He stated then that an enquiry had already been ordered. I do not think, in the circumstances, I can allow this motion.

# Resolution on matters of general public interest.

## RESOLUTION RE RESTRICTION AGAINST CHILD MARRIAGE.

**DEPUTY PRESIDENT:** We are at the resolution, relating to the Sarda Act, moved by Mr. Raja. Mr. R. S. Subramonia Pillai simply seconded it yesterday and he can, if he so desires, make a speech now.

**MR. R. S. SUBRAHMANYA PILLAI** (*Kalkulam* cum *Vilavankod*): സർ, ആരോഗ്യംപോലെ അത്ര അതിപ്രധാനമായി ആഗ്രഹിക്കത്തക്ക യാതൊന്നും തന്നെ യാതൊരു ജീവിക്കും ഉണ്ടാകാനില്ലെന്നാണ് എ ന്റെ വിശ്വാസം. ഇതു നിസ്സംശയം ആരും സമ്മതിക്കുന്ന ഒരു കാര്യ വുമാണ്. ആരോഗ്യത്തിന്റെ അസ്ഥിവാരം തന്നെ ജനനസമയത്തു ള്ള മാതാപിതാക്കന്മാരുടെ ബീജശക്തിയാണ്.

**MR. E. V. KRISHNA PILLAI** (*Kottarakara* cum *Kunnattur*): ബീജശക്തി എന്നു പറഞ്ഞതിന്റെ അർത്ഥം മനസ്സിലായില്ല.

**MR. R. S. SUBRAHMANYA PILLAI** (*Kalkulam* cum *Vilavankod*): അതു ഞാൻ മെമ്പറെ നല്ലപോലെ മനസ്സിലാക്കിത്തരുകയോ അല്ലെ ങ്കിൽ അതിലേക്കുള്ള ശരിയായ വഴി പറഞ്ഞുതരുകയോ ചെയ്യാം. ജീവികൾക്കു നല്ല പ്രായപൂർത്തി വന്നതിനു ശേഷം ജനിക്കുന്നശിശു ക്കൾമാത്രമെ നല്ല ആരോഗ്യമുള്ളവരായിരിക്കു എന്നുള്ളതു് അവിതർക്ക മായ ഒരു സംഗതിയാണ്. ഇതിനു വൈദ്യശാസ്ത്രത്തിൽ പ്രമാണവുമു ണ്ടു്. മാതാപിതാക്കന്മാർക്കു പ്രായപൂർത്തി വരുന്നതിനു മുമ്പിലുണ്ടാകുന്ന സന്താനങ്ങൾ പലവിധ രോഗങ്ങൾക്കു വിധേയരായി ഒട്ടുവിൽ അല്പായു സ്സുകളായും ഭവിക്കുന്നു. ഇങ്ങനെയുണ്ടാകുന്ന ശിശുക്കളെ ഏതു തരത്തിൽ തന്നെ പരിരക്ഷിച്ചാലും ഈ ദോഷങ്ങളിൽ നിന്നു മോചനം ലഭിക്കുക

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[Mr. R. S. Subramanya Pillai.]

എന്നുള്ളതസാദ്ധ്യമാണെന്നുള്ള ആയുർവ്വേദാചാര്യന്മാരുടെ സിദ്ധാന്തവും ഈ അവസരത്തിൽ വിസ്മരിക്കത്തക്കതല്ല. അതുകൊണ്ടുതന്നെയാണു ലോകത്തിലുള്ള ഒരു ശാസ്ത്രവും—എന്നതന്നെ ഞാൻവിചാരിക്കുന്നു—ബാല്യവിവാഹം അനുവദിക്കാതിരിക്കുന്നതു്. നല്ല സന്താനം വേണമെന്നാഗ്രഹിക്കുന്നപക്ഷം പുരുഷനു ഇരുപത്തിയഞ്ചും സ്ത്രീക്കു പതിനാറു വയസ്സും തികഞ്ഞതിനുമേൽ മാത്രമെ അവരെ ദാമ്പത്യജീവിതത്തിൽ ഏർപ്പെടുന്നതിനും അനുവദിക്കാൻ പാടുള്ളു എന്നാണു് ലോകസമ്മതമായ ആയുർവ്വേദം ഘോഷിക്കുന്നതു്. ഈ സിദ്ധാന്തം ഭാരതീയരുടെ ശരീരസ്ഥിതിക്കു് ഏറ്റവും യോജിച്ചതുമാണു്.

ഭാരതീയരുടെ ശരീരസ്ഥിതിയെക്കുറിച്ചു നല്ലപോലെ ചർച്ചചെയ്തു അതിനു പറ്റിയപടിയായി ശാസ്ത്രം എഴുതീട്ടുള്ള തത്വജ്ഞാനികളായ ആയുർവ്വേദാചാര്യന്മാരുടെ ഈ സിദ്ധാന്തത്തിനു വിപരീതമായി ഭാരതത്തിൽ ബാല്യവിവാഹം നടത്തേണ്ടതിന്റെ ആവശ്യകതയെന്താണെന്നു എനിക്കു മനസ്സിലാകുന്നില്ല. കുറഞ്ഞപക്ഷം പതിനാറു വയസ്സെങ്കിലും തികയാതെ ഒരു സ്ത്രീയുടെ അവയവങ്ങൾക്കു പൂർണ്ണ വളർച്ചയെ പ്രാപിക്കുന്നതല്ല എന്നാണു് വൈദ്യശാസ്ത്രം പറയുന്നതു്. അതുപോലെ തന്നെ ഇരുപത്തിയഞ്ചു വയസ്സുതികയാതെ ഒരു പുരുഷന്റെ അവയവങ്ങളും പൂർണ്ണവളർച്ചയെ പ്രാപിക്കുന്നതല്ല. വാഗ്ഭടാചാര്യരുടെ "ശാരീരസ്ഥാനം" എന്ന ഗ്രന്ഥം നോക്കുന്നപക്ഷം ഇതു പ്രത്യക്ഷമായി മനസ്സിലാകും. എന്റെ മാന്യസ്നേഹിതൻ മി: ഇ. വി. കൃഷ്ണപിള്ളയുടെ സംശയം തീരുകയും ചെയ്യും. അവയവങ്ങൾക്കു പൂർണ്ണവളർച്ച ഉണ്ടാകുന്നതിനു മുമ്പു ഗർഭം ധരിക്കാനിടവരുന്ന സ്ത്രീകളുടെ ആയുസ്സു അവർക്കുണ്ടാകുന്ന ശിശുക്കളുടെ കഥ പറഞ്ഞതുപോലെതന്നെ കുറഞ്ഞുപോകുമെന്നുള്ളതും ആയുർവ്വേദത്തിലെ ഒരു തത്വമാണു്. പല വിധത്തിലുള്ള രോഗങ്ങൾ പിടിപെട്ടു കഷ്ടപ്പെടുന്നതിനും ചിലപ്പോൾ അകാലമൃത്യുവിനുതന്നെയും അകാല ഗർഭധാരണം കാരണമാകുന്നു. എന്നുമാത്രമല്ല ഒരു മാതാവെന്നുള്ള നിലയിൽ ശിശുവിനെ വളർത്തുന്നതിനുള്ള കെല്പും പതിനാറു വയസ്സിൽ കുറഞ്ഞ പെൺകുട്ടികൾക്കുണ്ടാകുന്നതല്ല. ഇവർക്കുണ്ടാകുന്ന ശിശുക്കളുടെ കഥ ഞാൻ മുമ്പെ സൂചിപ്പിക്കയും ചെയ്തു. ഇങ്ങിനെ ബാല്യവിവാഹവും ബാല്യമാതൃത്വവും കൊണ്ടു രാജ്യത്തുള്ള രോഗികളുടെയും അല്പായുസ്സുകളുടെയും സംഖ്യ ക്രമേണ വർദ്ധിച്ചുവരികയും തൻമൂലം രാഷ്ട്രംതന്നെ അധഃപതിക്കുകയും ചെയ്യുമെന്നുള്ളതിനു യാതൊരു സംശയവുമില്ല.

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ദാമ്പത്യജീവനമെന്നാൽ എന്താണെന്നു ഒരു രൂപവുമില്ലാത്ത, അല്ലെങ്കിൽ അതെന്താണെന്നു മനസ്സിലാക്കുന്നതിനു തുണിയില്ലാത്ത, പ്രായത്തിൽ പെൺകുട്ടികളെ വിവാഹം ചെയ്തുകൊടുക്കുന്നതിന്റെ തത്വം എന്താണെന്നു എത്ര ആലോചിച്ചിട്ടും എനിക്കു മനസ്സിലാക്കുവാൻ കഴിയുന്നില്ല. രക്ഷകർത്താക്കന്മാർ തങ്ങളുടെ കുഞ്ഞുങ്ങളോടു ചെയ്യുന്ന ഏറ്റവും വലിയൊരപരാധമാണു ബാല്യവിവാഹം. അതു കുട്ടികളുടെഹിതത്തിനു വിപരീതമായിരിക്കാതെ തരമൊള്ളൂ.

MR. JOSEPH KUNJU (*Changanachery* cum *Peermade*) : ബാല്യത്തിൽ കുട്ടികളെ രക്ഷകർത്താക്കന്മാർ എഴുത്തു പഠിപ്പിക്കുന്നതു അവർക്കു ഹിതമായിട്ടാണോ?

MR. R. S. SUBRAHMANYA PILLAI (*Kalkulam* cum *Vilvankod*): സന്താനങ്ങളുടെ ഭാവിജീവിതം ശരിയായിനയിക്കുന്നതിനു വേണ്ട വിദ്യാഭ്യാസം നൽകേണ്ടതു രക്ഷകർത്താക്കന്മാരുടെ ചുമതലയാകുന്നു. ബാല്യവിവാഹവും അതുപോലെയുള്ള ഒന്നാണെന്നു് എന്റെ സ്നേഹിതൻ മനസ്സിലാക്കിയതിൽ ഞാൻ വ്യസനിക്കുന്നു. രക്ഷകർത്താക്കന്മാർ തങ്ങളുടെ സന്താനങ്ങളോടു ചെയ്യുന്ന വല്ലദ്രോഹവുമുണ്ടെങ്കിൽ അതു ബാല്യവിവാഹം മാത്രമാകുന്നു. അതിനെക്കാൾ വലുതായ ഒരു ദ്രോഹം അവർ ചെയ്യാനില്ല. നാലും അഞ്ചും വയസ്സുപ്രായമുള്ള പെൺകുട്ടികളെ പിടിച്ചു കല്യാണം കഴിച്ചുകൊടുക്കുന്നതും, കുറെകഴിയുമ്പോൾ അവരിൽ പലരും ബാലവിധവകളായിതന്നെ തീരുന്നതും ഒട്ടും ചില്ലറയല്ല. അതായതു കല്യാണം, ഭർത്താവു്, ഭാര്യ, വിധവ എന്നൊക്കെ പറഞ്ഞാൽ മനസ്സിലാക്കാൻ തക്കപ്രായം വിധവമാരായിതീരുന്ന അവസരത്തിൽപോലും ഇവരിൽപലർക്കും ഇല്ലാതിരിക്കുന്നു. ഹാ! ഇതെത്ര ഭയങ്കരമാണു് ചില സമുദായക്കാരുടെയിടയിലുള്ള സ്ത്രീകൾക്കു ശരിയായ സ്ത്രീത്വം വരുമ്പോൾ തന്നെ, ഒരാൾകല്യാണം കഴിച്ചിരുന്നുഎന്നും, ഇപ്പോൾ താനൊരുവിധവയാണെന്നും, ഇനി തന്റെ ജീവിതത്തിൽ കല്യാണം പാടില്ലെന്നും, പോരാ മറുപലവിധത്തിലും തന്നെ ഒരുനികൃഷ്ടയായിട്ടാണു് ലോകം ഗണിക്കുന്നതെന്നും അവൾ സ്വയം മനസ്സിലാക്കുന്നു. അവളുടെ ശകുനം കൂടി പാടില്ലെന്നു വച്ചിട്ടുണ്ടു്. ഈനിലയിലുള്ള ഒരു സ്ത്രീയുടെ ദയനീയസ്ഥിതിയെപ്പറ്റി വിചാരിക്കാൻകൂടി ഹൃദയമുള്ള ഒരുവനു കഴിയുന്നതല്ല.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): വിവാഹം കഴിഞ്ഞയുടനെതന്നെ സന്താനോല്പാദനം നടത്തണമെന്നു നിർബന്ധമുണ്ടോ?

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MR. R. S. SURAHMANYA PILLAI (*Kalkulam* cum *Vilavankod*): അങ്ങനെ നിർബന്ധമില്ല.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): സന്താനോല്പാദനം പ്രായപൂർത്തി വന്നശേഷമെ പാടൊള്ളുഎന്ന നിർബന്ധിച്ചാൽപോരെ?

MR. R. S. SUBRAHMANYA PILLAI (*Kalkulam* cum *Vilavankod*): അങ്ങനെ ഒരു നിയമം പാസ്സാക്കുകയൊ അല്ലെങ്കിൽ അതിലേക്കു മറ്റു വല്ല മാർഗ്ഗങ്ങളും എന്റെ സ്നേഹിതൻ കൊണ്ടുവരികയൊ ചെയ്താൽ നിശ്ചയമായും ഞാൻ അതിനെ അനുകൂലിക്കാം.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): വിവാഹത്തിന്റെ ഉദ്ദേശം സന്താനോല്പാദനം മാത്രമാണൊ?

MR. R. S. SUBRAHMANYA PILLAI (*Kalkulam* cum *Vilavankod*): പ്രധാന ഉദ്ദേശം അതാണ് എന്നവേണം വിചാരിക്കാൻ. ജനസംഖ്യ വർദ്ധിക്കുന്നതിനു സന്താനങ്ങളുണ്ടാകാതെ തരമില്ലല്ലൊ.

ബാലവിധവകളുടെ കാര്യത്തെപ്പറ്റി പറഞ്ഞുകൊണ്ടുവരികയായിരുന്നുവല്ലൊ. ഞാൻ മുമ്പുപ്രസ്താവിച്ചതുപോലെ ബാല്യത്തിൽതന്നെ വൈധവ്യം സംഭവിച്ചില്ലെന്നിരിക്കട്ടെ. ബാല്യവിവാഹംനിമിത്തമുണ്ടാകുന്നഭർത്താവു അവൾക്കു പ്രായപൂർത്തിവരുമ്പോൾ അനുരൂപനല്ലായിരുന്നുവെന്നു വരുകിൽ തൻമൂലം അവൾ സഹിക്കേണ്ടിവരുന്ന ദുഃഖം നിസ്സാരമാണൊ? അതുപോലെതന്നെ ഭാര്യ അനുരൂപയല്ലാതിരുന്നാൽ ഭർത്താവിനുണ്ടാകുന്ന നിരാശചില്ലറയാണൊ? ഇങ്ങനെ അന്യോന്യം അനുരൂപരല്ലാതെവരുന്ന — അല്ലെങ്കിൽ പരസ്പരപ്രണയമില്ലാതെവരുന്ന — ദമ്പതികളിൽനിന്നു ജാതരാകുന്നശിശുക്കൾ ഒരിക്കലും യോഗ്യന്മാരായി വരികയില്ലെന്നുള്ളതു ശാസ്ത്രതത്വമാകുന്നു. പരസ്പരസമ്മതവും പ്രണയവുമില്ലാത്ത വിവാഹംതന്നെ നിയമവിരുദ്ധമല്ലെ? മനസ്സില്ലാതെ ചെയ്യുന്നപ്രവൃത്തി എപ്പോഴും തടയേണ്ടതാണ്. പണ്ഡിതരും സാത്വികരും ധർമ്മിഷ്ഠരുമായ ആളുകളുടെ വാസഭൂമിയെന്നു പുരാതനകാലംമുതൽക്കുതന്നെ ലോകംമുഴുവൻ സമ്മതിച്ചിട്ടുള്ള ഈ ധർമ്മരാജ്യത്തു — "ധർമ്മൊസ്മൽകുലദൈവതം" എന്നമുദ്രാവാക്യം അനുദിനം ആദരിച്ചുപോരുന്ന നമ്മുടെ പൊന്നുതമ്പുരാക്കന്മാരാൽ ഭരിക്കപ്പെടുന്ന ഈ ധർമ്മഭൂമിയിൽ ഇപ്രകാരം ഒരധർമ്മം, ഇത്ര കഠോരമായ ഒരു കർമ്മം, ഇത്രനീചമായ ഒരുപ്രവൃത്തി, നടക്കുന്നുണ്ടെന്നു വിചാരിക്കാൻപോലും സങ്കടമായിരിക്കുന്നു. ഇത്ര ദോഷഭൂയിഷ്ഠവും നിന്ദ്യവുമായ ബാല്യവിവാഹംമൂലം തങ്ങളുടെ നിരപരാധികളായ കുട്ടികളെ നിത്യനരകമനുഭവിക്കാൻ ഇടവരുത്തുന്ന രക്ഷകർത്താക്കന്മാർ ഈ ദ്രോഹം എത്രവലുതാണെന്നു അവർ അല്പമെങ്കിലും ആലോചിക്കാത്തതു കഷ്ടം

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തന്നെ. ഇതുമൂലം തങ്ങളുടെ കുഞ്ഞുങ്ങളുടെ ഹൃദയം പൊട്ടി അവരുടെ ശാപത്തിനു തങ്ങൾ പാത്രമായിതീരുമെന്നുള്ളതും അവർ ഓർമ്മിക്കുന്നില്ല. രക്ഷകർത്താക്കന്മാരുടെ അജ്ഞതകൊണ്ടുമാത്രമാണ് ഇങ്ങനെയുള്ള വിവാഹങ്ങൾ നടത്തുന്നതെന്ന് എനിക്കുവിചാരിക്കുവാൻ നിവൃത്തിയില്ല. ഉന്നതവിദ്യാഭ്യാസം സിദ്ധിച്ചിട്ടുള്ളവർപോലും ഈവിധം പ്രവർത്തിച്ചുവരുന്നുണ്ട്. ഇതു ഒരിക്കലും ഒരുവിധത്തിലും ക്ഷന്തവ്യവുമല്ല.

MR. M. P. MADHAVAN PILLAI (*Tiruvalla*): ചെറുപ്പത്തിൽതന്നെ വിവാഹം നടത്തണമെന്നു മാതാപിതാക്കന്മാരെ നിർബന്ധിക്കത്തക്കവണ്ണം വല്ലനിയമവും ഇവിടെയുണ്ടൊ?

MR. R. S. SUBRAHMANYA PILLAI (*Kalkulam* cum *Vilavankod*): അങ്ങനെ ഒരുനിയമം നടപ്പിലില്ല. ആരെയും കൊല്ലാനൊ അടിക്കാനൊ പാടില്ല എന്നുനിയമമില്ലെങ്കിലും അങ്ങനെ ചെയ്തുകഴിഞ്ഞാൽ അതു ശിക്ഷാർഹമാണെന്നു നിയമമുണ്ട്. അതിനാൽ നടപ്പിലിരിക്കുന്ന ഒരുസംഗതികൊണ്ട് ദോഷമുണ്ടെങ്കിൽ അതുതടയേണ്ടതു പൊതുജനങ്ങളുടെയും ഗവണ്മെൻറിന്റെയും കടമയാകുന്നു.

MR. M. P. MADHAVAN PILLAI (*Tiruvalla*): അങ്ങനെയിരിക്കെ അവരവരുടെ കുട്ടികളുടെരക്ഷയെപ്പറ്റി രക്ഷകർത്താക്കന്മാർക്കു തന്നത്താനെ നോക്കേണ്ട കടമയില്ലെ?

MR. R. S. SUBRAHMANYA PILLAI (*Kalkulam* cum *Vilavankod*): കടമയുണ്ട്. ഞാൻ ഇതിനുമുമ്പെ പറഞ്ഞമറുപടി ശ്രദ്ധിച്ചിരുന്നാൽ ഈചോദ്യത്തിനു അവകാശമുണ്ടാവുകയില്ലായിരുന്നു. അതായതു്, ബാല്യവിവാഹത്തെക്കാൾ വലുതായ ഒരു ദ്രോഹം തങ്ങളുടെ കുട്ടികൾക്കു രക്ഷകർത്താക്കന്മാർ വേറെചെയ്യാനില്ല.

MR. M. P. MADHAVAN PILLAI (*Tiruvalla*): ദുർബലന്മാരായസന്താനങ്ങൾ ഉണ്ടാകുന്നതു യുവാക്കൻമാർക്കല്ലെന്നും നേരെമറിച്ചു ഓജസ്സും തേജസ്സും നശിച്ച വൃദ്ധൻമാക്കാണ് ഉണ്ടാകുന്നതെന്നും മെമ്പർക്കറിയാമൊ?

MR. R. S. SUBRAHMANYA PILLAI (*Kalkulam* cum *Vilavankod*): അങ്ങനെയുംവരാം. ബാലപിതാക്കൾക്കു ജനിക്കുന്നസന്താനങ്ങൾ ദുർബലന്മാരായിതന്നെതീരും.

അതിനാൽ രാജ്യത്തിന്റെ ശ്രേയസ്സിനെവിചാരിച്ചും, രാജ്യത്തിന്റെ അഭിമാനസംരക്ഷണത്തെ വിചാരിച്ചും, എന്റെമാന്യസ്നേഹിതന്മാരായ ഉദ്യോഗാനുദ്യോഗസ്ഥമെമ്പർമാർ ഈ പ്രമേയത്തെ അനുകൂലിക്കണമെന്നുള്ളഅപേക്ഷയോടുകൂടി മി: രാമവമ്മരാജാ ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ഈ പ്രമേയത്തെ ഞാൻ പിൻതാങ്ങിക്കൊള്ളുന്നു.



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**MR. S. KRISHNA PILLAI** (*Karunagapalli*): Sir, I wish to speak a word in *opposition* to the resolution that is before the House. My reasons for opposing it are not many; and I believe *many* are *not* required. Mr. Raja, in his speech the other day, admitted that the number of child-marriages in this country is rather low. At least I can make that inference from the figures that he quoted. There was only one wrong statement that he made, and that was that this evil was on the increase. But he admitted that he was only making a surmise. I thought that it was not proper to leave it to a mere surmise. I, therefore, consulted the very source from which *he* derived *his* information. I am told by the Census Commissioner, Sir, that, from the statistics that he has collected, there is absolutely no fear that child-marriages are on the increase. On the other hand, he finds, on a comparison with the Census of 1921 that the number of child marriages, in Travancore, is on the *decrease*, and *not* on the increase.

**MR. K. MADHAVAN PILLAI** (*Trivandrum cum Neduvangad*): What are his figures, please?

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): I hope Dr. Kunjan Pillai himself will place before the House the necessary figures. I am now speaking on the assurance given to me by the Census Commissioner. I have not got the figures with me.

**MR. RAMA VARMA RAJA** (*Edavagai*): സെൻസസ് കമ്മീഷണരോട് തന്നെ ആ ഫിഗേർസുകൂടി ചോദിച്ചുവാങ്ങിക്കാത്തതെന്തു് ?

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): It did not strike me that it was necessary; because, the person who is engaged in the work is, an expert; I thought I could rely on the conclusions he has arrived at.

**MR. RAMA VARMA RAJA** (*Edavagai*): ഞാൻ ചോദിച്ചപ്പോൾ ഫിഗേർസു ഇല്ലെന്നാണു കമ്മീഷണർ പറഞ്ഞതെന്നറിയാമൊ?

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): Probably, the Census Commissioner looked into the figures only subsequently, that is, during the interval between Mr. Raja's speech and my present speech.

Now, if in Travancore, the number of child-marriages is on the decrease, I am not able to understand why this House should pass this resolution and urge the Government, or, for that matter, this House, to introduce a Bill on the lines of the Sarda Act, a legislation which interferes with the liberty of the people.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*): Is it liberty or license?

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): Perhaps, both.

The liberty of the subject, or license, if that would be more pleasing to my friend, should be sparingly interfered with. So far as this legislation is concerned, it has its own difficulties in Travancore. If we look into the Nayar Regulation, the Vellala Regulation, or the Ezhava Regulation, we find that the age of consent for valid marriages is sixteen in the case of females and eighteen in the case of males. These three Regulations further lay down that marriages between persons of lower ages would be validated with the consent of the

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guardian. If that is the recent statutory law, so far as these three important communities are concerned, I think it would be rather too early to come forward with another legislation penalising marriage between a male below eighteen and a girl below fourteen.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*) : Can the consent of a guardian make a wrong thing right?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : We are speaking of legal rights now, and not of what, according to the medical officer's opinion, would be proper or good. Now, if two guardians have the privilege to get their children married, in the case of daughters before sixteen, and sons before eighteen, and if this right has been recognised by statute, and if these statutes are so recent as 1100, 1101 and 1102, I cannot understand why, by the mere passing of the Sarda Act in British India, we should, as it were, be awakened to a sense of great moral justice and come forward with a resolution before this House saying that these three Regulations must be nullified and a new Regulation brought into force.

MR. K. GOPALAKRISHNA PILLAI (*Parur*) : If it is a social evil, can it not be remedied?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : That which was not a social evil in 1101, 1102 and 1103, I suppose could not have become a social evil so soon.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Why does the member suppose like that?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I find from the Council Proceedings that the question of the age of consent was thoroughly discussed at the time these Regulations were passed and that the House came to the conclusion that it was not necessary, in the interests of the people of this State and in consideration of social evils then extant, to fetter the rights of the people by any legislation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Will the passing of a Regulation on the lines of the Sarda Act make invalid a Nayar marriage that is valid under the Nayar Regulation?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Does the Law Member mean that the marriage would not be *illegalised*.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I mean *invalidated*.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I suppose, it would be considered, in the eye of law, as invalidated. Marriages that have already come into existence will not be affected. Marriages that will hereafter be conducted, marriages of Nayar or Ezhava girls, below the age of sixteen, with boys below eighteen, though with the consent of the guardians, would be invalidated if an Act on the lines of the Sarda Act is passed in Travancore.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Does the Sarda Act *invalidate* such marriages, apart from *illegalising* them?

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**MR. S. KRISHNA PILLAI**: (*Karunagapalli*): I do not suppose that anybody would be prepared to give in marriage his daughter and pay a penalty of Rs. 1,000; or that any person would marry a girl and pay a fine of Rs. 2,000 and undergo three months' imprisonment. The object of the Act is to prevent such marriages taking place.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): In the case of minors, will the marriage be valid under the Sarda Act?

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): In the case of minors the guardians of both the bride and the bridegroom have to pay the fine or undergo imprisonment. It is the parents of both the parties who have taken part in the celebration of the marriage, that are punished. If the Law Member's question is whether, if all these persons are willing to undergo the punishment laid down in the Sarda Act, the marriage would be valid or invalid, I believe, it is a matter more for a judicial pronouncement than for my inexpert opinion. So far as my opinion is concerned, if an act is penalised, anything that follows as from the consequence of it, must be considered to have been forbidden by the law, and must be considered to have been invalidated. But marriages, I understand, stand on a different footing from all other forms of contracts and other acts. The consequences of a marriage are far-reaching, and they are to control the destinies of persons who had nothing to do with the transaction. Therefore, I am not in a position now to say, without bestowing more attention and careful consideration, whether such marriages would be invalid or not. It is clear that the law wants to prevent such marriages. If, in spite of penalties that are enjoined by the law, a marriage takes place, my own opinion is that it would be treated as invalid.

**DEPUTY PRESIDENT**: Is there any provision in the Sarda Act itself, which declares a marriage void?

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): No.

**DEPUTY PRESIDENT**: In view of that fact how can you say, that it would be void?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): The original Bill introduced by Mr. Sarda provided that the marriages should be treated as invalid. But that provision was taken away later on.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): May be.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Would it not make Mr. Kaja's resolution impracticable? Penalising marriages and yet not making them invalid may not carry us very far.

**MR. S. KRISHNA PILLAI** (*Karunagappalli*): My point is that a marriage which is legally valid under three Regulations so recently enacted in Travancore, should not be penalised by bringing into our Statute Book an enactment on the lines of the Sarda Act. That is one of my main and important objections.

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MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): I want to know whether, in the eyes of a lawyer that Mr. Krishna Pillai is, because the Nayar and the Ezhava Regulations have been passed only recently, there should be a sort of legislative paralysis in this House so far as social legislation is concerned.

MR. S. KRISHNA PILLAI (*Karunagapalli*): In my humble opinion, Sir, as far as possible, the conduct of the House ought to be controlled and guided by what this House itself has done, and not by anything that has been done outside this State or outside this House. And we must bring into being a statute only if we feel there is urgent necessity for it. As the honourable members know, every statute that is brought into being curtails the privilege that is being enjoyed by the people. If that is the tendency of every statute, and if the legal effect of a statute on the lines of the Sarda Act is also to curtail the privileges and rights of the people, why should we bring it into existence without there being an imminent need for it. If this House is statisfied that the social evil which is sought to be controlled by the Sarda Act is so rampant that some legislation is necessary, I would be the last man to stand up to oppose the proposition.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Is it not advisable to nip the evil in the bud?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Yes, only if there are buds. But, not for one bud should we legislate. If there are many buds and if they are likely to grow and not die of themselves, we should legislate for them.

MR. M. GOVINDAN (*Nominated*): What, according to the member, is the minimum number of such buds necessary to justify legislative action in Travancore for nipping hem?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Considering the very large number of adult marriages that we have, and the very small number of child marriages, as could be seen from the figures given by Mr. Raja himself, I may inform the member that.....

MR. M. GOVINDAN (*Nominated*): What is that "*small number*", please?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I believe the member must have been listening to Mr. Raja while he was talking yesterday on the subject.

MR. M. GOVINDAN (*Nominated*): According to the member, is the number, quoted by Mr. Raja, small?

MR. S. KRISHNA PILLAI (*Karunagappalli*): Mr. Raja himself admitted that the number was small.

MR. M. GOVINDAN (*Nominated*): It is 900 for the Christian community alone.

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MR. S. KRISHNA PILLAI (*Karunagapalli*): Compared with the very large number of marriages in the Syrian Christian community, this number must be considered to be a very small one. The member must also realise one fact: The figure given does not represent child-marriage alone. The figures, as given by the Census Commissioner, relate to child-marriages that were conducted during the period between the last census and the one prior to that. They are not marriages celebrated in 1105 or 1106, but those conducted between the recent census and the one prior to it. The figure indicates only the number of married people of the age given, living at the time of the census.

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): The figure gives the number of married girls of the ages given on the census day. When we refer to so many girls between the ages of five and ten, we refer to married girls between five and ten, on the day of the census.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The girls might have been married any time during the last ten years before the last census?

MR. S. KRISHNA PILLAI (*Karunagapalli*): If these marriages have taken place only during a period of ten years, the number of child-marriages per annum, in Travancore, is, in my opinion, very small.

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): Even among the married girls in higher age-groups, most of them might have been married when they were below ten?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I do not say my figure is correct. Even assuming for argument's sake that there is an equally large number of child-marriages in the higher age group also, what does the number of child-marriages on an average come to? It is not much. My opinion is, when the social evil does not appear to be so serious, there is no necessity for such a Bill.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikappalli*): Is child-marriage a social evil? Is that admitted?

MR. S. KRISHNA PILLAI (*Karunagapalli*): It has been stated, by several people, that it is a social evil.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What is the member's opinion?

MR. S. KRISHNA PILLAI (*Karunagapalli*): Child marriage is no evil, according to me.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Which is the real social evil, is it the consummation of the marriage or the mere celebration of it?

MR. S. KRISHNA PILLAI (*Karunagapalli*): When we speak of marriage, we cannot conceive of it without consummation.

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**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): But the Sarda Act penalises marriages even if there is no consummation whithin the age-limit.

**MR. RAMA VARMA RAJA** (*Edavagai*): കല്യാണം കഴിഞ്ഞാൽ കൺസമ്മേഷൻ തടയാൻ ഏതെങ്കിലും റഗുലേഷനോ വകുപ്പോ ഉണ്ടോ?

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): In Section 375 of the Travancore Penal Code, the age of consent has been raised from ten to twelve; that provision has been there ever since that Section was amended last. Although various attempts were made to amend Section 375, Exception 5, in British India, those attempts totally failed.

**MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*): How does the expression "*a five-year-old wife*" strike the member's imagination.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): I never used that expression, nor have I any necessity to use it.

**MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*): Is a married woman, a wife?

**MR. S. KRISHNA PILLAI** (*Karunagapaplli*): She should be called a wife. There is no objection to that. I do not at all approve of the child-marriages of that type, nor do I maintain that child-marriages are good and that they must be encouraged. What I am asking is whether we should pass a resolution and ask the Government to come forward with a Bill *on the lines of the Sarda Act*. That is the object with which this resolution has been brought forward here. If that is so, I cannot understand the reason why that is sought to be done *in Travancore*, where, as matters stand, there does not appear to be any necessity for such an enactment. Without sheer *compelling necessity* we ought not to legislate on any matter. No doubt, the resolution brings credit to the member who has brought forward this resolution; because it shows that he is alive to what is going on outside. But, my opinion is that *we* must legislate for conditions *in Travancore*.

**MR. K. GEORGE** (*Chief Secretary to Government*): Does not Travancore afford a place for the people in British India to escape from the provisions of the Sarda Act? If British Indian people come to Travancore and celebrate the marriages of their girls below ten or twelve, can they not evade the provisions of the Sarda Act?

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): The Sarda Act applies to the whole of British India and to British Baluchistan. It does not apply to Travancore. In the case of all penal statutes, the jurisdiction is mainly territorial; but there are extradition provisions. If a native of British India comes to Travancore to celebrate child-marriage, my personal opinion is that the provisons of the Sarda Act could be successfuly evaded. That may be one reason for suggesting the enactment of a measure on the lines of the Sarda Act. (I know there have been occasions for amending the Penal Code in one part of India

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[Mr. S. Krishna Pillai.]

in order to bring it into conformity with the Penal Code in another part. But, what is now suggested is not an amendment of any statute now in existence. It is the creation of a new enactment that is contemplated by the mover of the resolution.) And, further, have we, till now, felt any pressing necessity for remedying the evil due to the people of British India coming down to Travancore to evade the provisions of the Sarda Act? We have not come across any instance in which the British Indian people have complained that Travancore is affroding an asylum to the runaways from the Sarda Act. When such a complaint arises, when we find that we should help the British Indian Legislature in enforcing the Sarda Act, it will then be time for us to take into consideration this Bill; not earlier. All that I want to impress upon this House is that we *should not* legislate, not only in this matter but in every other matter, unless we feel that there is great need and an imminent necessity for bringing into existence such a legislation.

**MR. K. MADHAVAN PILLAI** (*Trivandrum cum Neduvangad*): Does the member think that the society has got a right to remove an evil?

**MR. S. KRISHNA PILLAI** (*Karunagappalli*): They are all general questions and my answers will be the same as those of the member.

**MRS. ANNA CHANDI** (*Nominated*): Should there not be some remedy for this evil?

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): With the advance in education and the rapid improvement that we are making in our ideas about society, I believe, even without legislation, conditions will improve. I suppose the member will remember, my reference to the Census Commissioner's statement that such cases are on the *decrease*.

**MRS. ANNA CHANDI** (*Nominated*): Assuming that cases of child marriages are on the decrease on a consideration of the figures given by the Census Commissioner, what is the member's idea of the approximate time when child-marriages would be completely effaced from Travancore?

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): If the member had listened to the Law Member's questions and the answers thereto, there would have been no need for her present question. Even the existence of an Act, *like the Sarda Act*, would not *completely* efface child marriages. It may not be possible even then to exterminate child marriages. But, in course of time, it is bound to be wiped out. That is my own impression.

**MRS. ANNA CHANDI** (*Nominated*): What, according to the member, is the approximate time that would be taken for these child-marriages to be wiped out?

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): I cannot give any definite term of years, ten, twenty or fifty. The question now is, should we legislate until and unless we are satisfied that there is pressing need for such a legislation.

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**MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*): So, the member would perpetuate the evil by putting off this legislation?

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): I do not subscribe to that view. I believe that, even without legislation, child-marriages are bound to disappear in course of time.

**MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*): But, the member said that it was bound to linger *in spite of legislation.*

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): Yes; it is bound to linger in spite of legislation *on the lines of the Sarda Act.*

**MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*): Should the evil disappear or should it be allowed to exist? And, will not legislation help it?

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): Legislation will not exterminate it.

**MR. M. GOVINDAN** (*Nominated*): Will not legislation accelerate the wiping out of the evil?

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): It may, to some extent. What I say is, if we can effect a cure by administering a mixture in small doses, why go in...

**MR. M. GOVINDAN** (*Nominated*): What is the dose in the present instance please?

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): If educated men, like the member, realise that it is a social evil, they will, I believe, impart that knowledge to other people and to the masses; and, in course of time, the evil is bound to disappear. As I was about to say it will not be wise to risk a major surgical operation, if a cure can be effected by administering small doses of medicine.

**MR. RAMA VARMA RAJA** (*Edavagai*): സർദാ ആക്ടിൽ വേണ്ട വ്യത്യാസം വരുത്തി പാസാക്കുന്നതു കൊണ്ടു വിരോധമുണ്ടോ?

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): മെംബറുടെ പ്രമേയത്തിൽ 'സർദാ ആക്ട്' എന്നു മാത്രം പറഞ്ഞു കാണുന്നതു കൊണ്ടു ആ ആക്ടിൽ എന്തെല്ലാമാണ് പ്രൊവിഷൻസുള്ളതെന്നു മാത്രമെ ഞാൻ ചിന്തിച്ചിട്ടൊള്ളൂ, അതിനെക്കാൾ ഉത്തമമായ ഒരു ലജിസ്ലേഷൻ കൊണ്ടുവരുന്നതിനെപ്പറ്റി ഞാൻ ആലോചിച്ചിട്ടില്ല. ആവശ്യമുള്ളതു കൊണ്ടുവരുന്നതുകൊണ്ടു യാതൊരു തരക്കേടുമില്ല. എന്നാൽ ആവശ്യമില്ലാതെ ഒന്നുകൊണ്ടുവരുന്നതു അനാവശ്യമാണെന്നു മാത്രമെ എനിക്കു പറയുവാനുള്ളൂ.

**MR. M. GOVINDAN** (*Nominated*): I rise to support the resolution. My friend, Mr. Krishna Pillai, began by saying that he had only a word to say. He took nearly half an hour to say that one word. I have *two words* to say. (*Laughter*).



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**DEPUTY PRESIDENT:** Does that mean that you will require one hour?

**MR. M. GOVINDAN** (*Nominated*): No, I shall try to be brief.

**DEPUTY PRESIDENT:** I do not think you can claim one hour. I shall, however, allow you reasonable time.

**MR. M. GOVINDAN** (*Nominated*): Thank you, Sir. I find from the questions put by the official side that there is going to be some encouragement to the resolution from that quarter.

**MR. K. GOPALAKRISHNA PILLAI** (*Parur*): Is that the reason why the member is supporting the resolution?

**MR. M. GOVINDAN** (*Nominated*): No; even if the whole House were against it, I would, with my single voice, support it, because I am so enthusiastic about it. (*Laughter*). My friend, Mr. Krishna Pillai, is under the impression that this is not a social evil and that its magnitude in Travancore is not such as to justify legislative action. I believe that is his position, as I understand it. My view is that if it is a social evil and if the magnitude is, as stated by the mover of the resolution, about 2,000 child-wives-and therefore a considerable number of child-widows and child-mothers also—..... .....

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): Are all these 2,000 married women below ten years of age?

**MR. M. GOVINDAN** (*Nominated*): My figure will come to 5,000 when I take into account married girls below fourteen. I want child-mothers also to come in.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): In that case, the figure would be enormous, I think.

**MR. M. GOVINDAN** (*Nominated*): I will take it as 5,000 below fourteen. I want child-mothers also to come in. Even that is enormous, I say, for this small State of Travancore.

**RAO SAHIB DR. N. KUNJAN PILLAI** (*Census Commissioner*): May I give him the correct figures? The number of married women in the whole State, between five and ten, for all religious denominations together is, 2,484.

**MR. A. THANU PILLAI** (*Trivandrum*): What is the total number of women in the whole State?

**RAO SAHIB DR. N. KUNJAN PILLAI** (*Census Commissioner*): The total number of girls in the State, between the ages of five and ten, is 3,31,750. Of these, the number of married ones is 2,484. The number widowed is 71. The total number of girls between the ages of ten and fifteen is 3,04,211. The number married, among them, is 23,714. The number widowed is 509. These figures are for all religious denominations together.

**MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*): Are there no figures in regard to girls below fourteen?

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**RAO SAHIB DR. N. KUNJAN PILLAI** (*Census Commissioner*): I said that the number of widows between five and ten is 71, and that between ten and fifteen is 509.

**MR. K. MADHAVAN PILLAI** (*Trivandrum cum Neduvangad*): But, that is not about girls below fourteen.

**RAO SAHIB DR. N. KUNJAN PILLAI** (*Census Commissioner*): That is how *we* have taken the figures.

**MR. M. GOVINDAN** (*Nominated*): Can the member give the number of child-mothers below fourteen?

**RAO SAHIB DR. N. KUNJAN PILLAI** (*Census Commissioner*): We have not collected information on that point.

**MR. M. GOVINDAN** (*Nominated*): Now, from the figures supplied, I find that additional strength is gained for my argument that the evil is of considerable magnitude. As many as 23,714 girls are married between the ages ten and fifteen, and 2,484 between five and ten. Details are not now available about the number of child-widows and child-mothers.

**RAO SAHIB DR. N. KUNJAN PILLAI** (*Census Commissioner*): I *have* given those figures also, Sir. The number of widows between five and ten is 71, and between ten and fifteen is 509.

**MR. M. GOVINDAN** (*Nominated*): Yes. To my mind it appears that if Mr. Krishna Pillai had been put in charge of the Department of Administration of Justice, he would abolish the law in regard to punishment for murder on the ground that for about fifty lakhs of people there are only about 25 to 30 murders every year.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): So, if my friend were a judge he would not have understood the distinction between social legislation and penal laws?

**MR. M. GOVINDAN** (*Nominated*): Yes.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Is over-eating an offence or a social evil?

**MR. M. GOVINDAN** (*Nominated*): It is a social evil.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Would the member make it penal?

**MR. RAMA VARMA RAJA** (*Edavagai*): സർദാഅുക്ക് വരുന്നതോടുകൂടി പീനൽകോടും ഗവണ്മെൻറിൽനിന്നും അമൻറുചെയ്യുന്നതെന്ന നിർബന്ധമുണ്ടോ?

**MR. M. GOVINDAN** (*Nominated*): സർദാഅുക്ക് വരാം പീനൽകോടു അമൻറുചെയ്യുകയും ചെയ്യാം.

The contingency that we should seriously guard against is that of children who are not developed enough physically to become mothers. Once a child is married there is the right for the husband to get restitution of conjugal rights.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the promulgation of a law like the Sarda Act abolish child-mothers in Travancore?

MR. M. GOVINDAN (*Nominated*): Yes, to a certain extent.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): When the Penal Code permits connection between a girl of twelve and a man of fifteen, can the Sarda Act prevent it?

MR. M. GOVINDAN (*Nominated*): All that I say is that it will be minimised. Human nature being what it is, by no fiat of legislation can we exterminate any social evil?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): By raising the age of consent, from twelve to fourteen in the Penal Code, can we not exterminate this evil?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I ask whether the member knows that the Age of Consent Committee reported that legislation to raise the age of *marriage* is a better remedy for this evil than to raise the age of *consent*?

MR. M. GOVINDAN (*Nominated*): I am prepared to accept that position. The Sarda Act does not invalidate the marriages which it penalises. But I understand that it was originally intended that the marriages should be rendered void, and that it was only at a later stage that that provision was deleted.

MR. K. KRISHNAN NAYAR (*Pattanamtitta*): Is the member aware that the provisions of the Sarda Act have been violated in British India in several instances and that no action has been taken against the parties in those cases?

MR. M. GOVINDAN (*Nominated*): That may be due to the general disturbed condition of things there.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I know the reason why the provision for rendering the marriages void was taken away by the British Indian legislature?

MR. M. GOVINDAN (*Nominated*): That may be due to the opposition of persons like Mr. Krishna Pillai. In a vast Empire like British India, there may be persons of different views. But we are in a compact State.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The motion before the House relates to the enactment of a law "*on the lines of the Sarda Act*".

MR. S. KRISHNA PILLAI (*Karunagapalli*): What I asked Mr. Govindan was why the invalidating clause was removed.

MR. M. GOVINDAN (*Nominated*): Owing to the opposition of Pandit Madan Mohan Malavya and others, I think.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Was it because it was thought unnecessary?

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MR. M. GOVINDAN (*Nominated*): No, not because it was thought unnecessary.

Here, in Travancore, there is no such difficulty. The Government are sympathetic and are willing to undertake social legislation for us. For instance, there are the Ezhava Regulation and the Vellala Regulation. These laws were initiated by Government.

MR. S. KRISHNA PILLAI (*Karunagapalli*): In regard to Travancore, does the member know the number of communities in which widow remarriage is prohibited?

MR. M. GOVINDAN (*Nominated*): I know of one community, one important community in the State, positively. There are also other communities which are now trying to ape the customs of that community.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does not the member know that the answer should always be to the point?

Mr. M. GOVINDAN (*Nominated*): It is absolutely to the point. How many, he asked; there is one, I answered; I also said there are others. (*Langhter.*)

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is the member afraid to mention the name of that community?

MR. M. GOVINDAN (*Nominated*): It is the Brahmin community. This child-marriage evil is over-prevalent in that community more than in any other community.

MR. K. KRISHNAN NAYAR (*Pattanamtitta*): Is the member aware that in the Brahmin community the married couple live as husband and wife only after the girl attains puberty?

MR. M. GOVINDAN (*Nominated*): Yes, I know that. But I also know that soon after the age of puberty, a girl is *not fit* to become a mother. That is my position. In Travancore, conditions are such that we can easily legislate upon this matter. There is an evil of sufficient magnitude calling for legislation; and the external conditions also call for action. In this matter, we have only to remember what has been done in British India and in Mysore. There is legislation in both those countries.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Did I hear Mr. Govindan to say that there is legislation in Mysore in regard to this matter?

MR. M. GOVINDAN (*Nominated*): Yes. I do not know the exact lines of their law. Mr. Sarda refers to that in his speach. There is a Regulation in Baroda also.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In Mysore, is it the old Regulation or any recent Regulation that the member is referring to?

MR. M. GOVINDAN (*Nominated*): It is fairly old.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That prohibits marriages of girls below eight years?

MR. M. GOVINDAN (*Nominated*): Mr. Sarda refers to that. In British India we have got such an enactment. The statement of Mr.Krishna Pillai—I mean his temerity—that we would *not* be affording

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[Mr. M. Govindan.]

an asylum to runaways from British India, is not well-founded. The Sarda Act is only a very recent enactment. As Mr. Krishnan Nayar suggested by a question, that Act is not now worked in British India with zest with which, under ordinary conditions, it would have been worked there. When things quiet down there, when normal conditions prevail there, I am sure there may be many cases of people from British India trying to avoid the penalty of the Act by coming here and celebrating the marriages. The question at present is, do the condition of things here justify our passing a law on the lines of the Sarda Act. The very fact that there are many people settled down in Travancore who have got relations elsewhere and who would be coming here and perhaps settling down, if only to avoid this, would justify legislation. It is not necessary to point out the enormity of this evil and the immediate necessity for legislation in the matter. Perhaps the medical gentlemen in this House will point out the enormity of the evil. The fact that, according to the figures for the last ten years, there has been a slight decrease will certainly not justify us in being indifferent to this evil. It may take many years for the evil to die down if we are to keep time and wait for time to rectify this evil. Of course, in the Syrian Christian community, in which the evil appears in some magnitude, there is this fact that they all take to English education; and therefore the evil is gradually diminishing in that community. I know cases where children are sent to school even after marriage. Although there is the tendency, not to give away young girls in marriage, among the higher section of the community, there are the poorer classes of that community trying to ape respectability by giving away girls in marriage at an early age.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Is it due to notions of respectability or is it out of the supposed necessity of providing girls with eligible husbands?

**MR. M. GOVINDAN** (*Nominated*): It is due to the old customary notions of respectability. It is not out of mere necessity that minor girls are given away in marriage.

**MR. K. MADHAVAN PILLAI** (*Trivandrum cum Neduvangad*): Has dowry no part in it?

**MR. M. GOVINDAN** (*Nominated*): We have not yet spoken about that. That is another evil.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*) What is the minimum age for marriage in England?

**MR. M. GOVINDAN** (*Nominated*): The Law Member must be aware of that. That is all that I have to state on this point. In the case of the three communities for whom there is special social legislation, Mr. Krishna Pillai says that there has been a sanctioning of such marriages only very recently. All that I have to say in reply is that the attention of the community was not then called to this particular evil. They were thinking more of devolution of property, *tarwad* management and guardianship than of *this* evil. It was by a peculiar misfortune that the minimum age for a valid marriage happened to be fixed so low in those three recent enactments.

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**MR. S. KRISHNA PILLAI** (*Karunagapalli*) : Why was the misfortune allowed to affect the Ezhava marriages also?

**MR. M. GOVINDAN** (*Nominated*) : It was decided that no deviation need be made, in this matter from the provisions of the Nayar Regulation. Our attention was fixed on other points and not on the question of child-marriage.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*) : Does the member imply that all the Sections in the Nayar Regulation and in the Ezhava Regulation, in regard to marriage, were not considered by this House.

**MR. M. GOVINDAN** (*Nominated*) : No. What those Sections say is that the marriage of a Nayar female with a Nayar male, if she or he has not completed sixteen and eighteen years respectively, shall be invalid unless (as a sort of exception this is mentioned) it is done with the consent of the guardian. It is not intended for the sake of legalising the marriage of minors, but for providing for the marriages of girls above fourteen and below sixteen. But neither the Nayars nor the Ezhavas considered the question of five to ten-year-old wives. It must be said to the credit of these three communities that this evil is not very prevalent among them.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*) : Then, does the member think that we ought to legislate for a minority community?

**MR. M. GOVINDAN** (*Nominated*) : If my friend will wait for my next sentence he will know my view on that aspect of the question.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*) : I shall wait.

**MR. M. GOVINDAN** (*Nominated*) : Just three days ago, I had to go to my native village for collecting subscriptions. The owner of a house to which I went was conducting a marriage. I found that a thirteen-year-old girl was being given away in marriage to a twenty-five-year old man. I would not have allowed that marriage to take place even at the risk of my not getting a subscription. Infant marriages occur particularly in well-to-do houses.

**MR. E. V. KRISHNA PILLAI** (*Kottarakara cum Kunnattur*) : Does not the member know that sometimes even twelve-year-old girls are fairly grown up, and that there is no apparent impropriety in giving such grown-up girls in marriage?

**MR. M. GOVINDAN** (*Nominated*) : I think that it is wrong, almost tantamount to an offence, to give away a twelve-year-old girl in marriage. I do not think that the questioner would have done so in *his* case. (*Laughter.*) I am positively of opinion that this grave evil should be remedied. And, under the conditions now obtaining in British India, at least as an act of neighbourly etiquette, we are bound to enact a piece of legislation on the same lines as that now obtaining in British India.

**MRS. ANNA CHANDI** (*Nominated*) : Sir, I rise to support the resolution moved by Mr. Rama Varma Raja. In my humble opinion, this is a resolution which deserves the sincere support of every enlightened Government and every patriotic citizen.

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[Mrs. Anna Chandi.]

To take up the resolution itself, we have to look at it from two different aspects. The first is whether there is necessity for introducing such law in Travancore. In this connection, the first thing to be considered is whether the number of child-marriages here is so considerable as to be met by legislation. The figures mentioned by the Census Commissioner ,would show that there is only a small number if regarded in the way in which Mr. Krishna Pillai wants us to do. As Dr. Madhavan Pillai put it.....

**MR. S. KRISNHA PILLAI** (*Karunagapalli*): Where did he put? We did not hear him speak.

**MRS. ANNA CHANDI** (*Nominated*): In a question put to the member, he suggested to the member how the expression "five year old wife" would strike his imagination. That would really sound harsh to anyone with any feeling about him.

Then, the other question to be considered is, is there any necessity for any remedy being applied? With regard to that question, there cannot be any difference of opinion. Everybody would agree that this is a social evil which is injurious both to the private individual and to the public welfare. We can just shut our ears to the cries of these individual child-widows and child-mothers the dying children and the unhealthy infants. But, we cannot shut our eyes to the nation that is going down in physique day by day. With regard to this evil that is rampant in our country, I have to make one remark, *viz.*, that this is not an evil which affects the existing generation only. It extends its disastrous effects to the future generation as well. We cannot and should not judge the evil by the number given by the Census Commissioner. Its effect on future generation has to be considered. The number of unhealthy citizens and unhealthy children are ever increasing. If that position is granted, then we have to see what the remedy for this state of affairs is. In the case of a social legislation like this, which tampers with the religious feelings and sentiments of certain sections of the people, it is the usual suggestion that it should be left to be slowly worked out by the educational and social reformers. That is the argument which is very often advanced. But, in this case, we have to see—we Travancoreans, who boast ourselves as an educated people—whether the education for the past so many years has enabled us to root out the evil from the country. I must say that it has not enabled us to do so. Nor has it enabled the ritish Indian people to root out the evil there. It is the attempt of Bthe educational reformer and the social reformer in British India that has ended in this piece of legislation. That is the very reason why *we* should adopt it as well. It is not the tendency to copy. If there is any good anywhere, we should not shirk copying it. We cannot always have originality in every matter. They have the Act in British India ; and we can adopt it with modifications suitable to our country. Left to myself, I am of opinion that the age should be increased to sixteen or eighteen. But, those are considerations which we need not take up now. We may consider them when the Bill is before the

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House. Now, only the principle of the resolution is before us. Mr. Raja has, I think, brought forwarded the resolution as a test to know the way in which the House and the Government view this question, so that, at the proper time, a Bill may be introduced.

This practice of child-marriage may be styled as a sort of slave trade in our country. It gives a handle to persons like Miss Mayo.....

**MR. S. KRISHNA PILLAI** (*Karunagapalli*) : What does she say about Travancore?

**MRS. ANNA CHANDI** (*Nominated*) : We know what Miss Mayo has said about India in her book called "Mother India". The conditions obtaining in British India in this matter exist in Travancore also. So, we can guess more or less what she would have stated if she had visited Travancore.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*) : May I know from the member whether it is not common here for parents getting their young daughters married to suitable young boys and then educating their sons-in-law?

**MRS. ANNA CHANDI** (*Nominated*) : I am not aware of any such practice.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*) : May I take it that, according to the member, there is no practice of marrying daughters below the age of sixteen and then educating the sons-in-law *i. e.*, the husbands of the daughters?

**MRS. ANNA CHANDI** (*Nominated*) : If there is any such practice that is the very reason why a legislation, like the one suggested by this resolution, has to be introduced in Travancore.

**MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*) : Has the Women's Association expressed any view on the matter?

**MRS. ANNA CHANDI** (*Nominated*) : The Women's Educational Conference have expressed their opinion on this matter, and have stated that it is highly necessary that child-marriage should be rooted out altogether.

I think, Sir, this is a resolution which does not need much of advocacy on the part of anyone, particularly in Travancore which is such an enlightened country with an enlightened Government. With these words, I heartily support the resolution.

**MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*) : May I know from the member whether there would be any opposition to the measure from the women of Travancore?

**MRS. ANNA CHANDI** (*Nominated*) : Sir, I feel nervous to give a definite answer to that question; because, then the question might be raised that I am only a nominated member here and as such I have no right to represent the women of Travancore. If my opinion on the matter would be accepted by the House, speaking from the women's standpoint, I can say that there would be absolutely no objection, to the enactment recommended by this resolution, from the



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[Mrs. Anna Chandi.]

women of the country. I can assure the member that no woman will come forward to oppose it knowing as she does the infant mortality in the State and the acute misery of child-mothers and child-widows.

**MR. A. THANU PILLAI** (*Trivandrum*): Is there any difference between man and woman so far as the opposition to or support of this measure is concerned?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Can marriage take place without the consent of the girl's mother who is a woman?

The Council adjourned for lunch at 2-3 P. M. and met again at 2-48 P. M.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Sir, the Government do not oppose this resolution nor do they accept it. They are keeping an open mind and will be guided by the speeches and the voting on the resolution.

**MR. A. THANU PILLAI** (*Trivandrum*): How do the Government members propose to vote on this resolution?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): They will vote according to their personal convictions; they have been given that freedom so far as this resolution is concerned.

**DEPUTY PRESIDENT**: Do you suggest that Government are prepared to introduce the Bill recommended by the resolution?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): We do not give any such undertaking; only, at this stage, we do not *oppose* the resolution. And the official members have been allowed to vote according to their personal conviction.

Sir, having stated what the attitude of the Government on the matter is, I think it is my duty to place before the House certain facts bearing on the merits of the resolution just to enable the House to consider them also in arriving at a conclusion in regard to this question. Let not any member think that I am either supporting the resolution or opposing it. I am merely placing certain facts for the consideration of the House.

The Sarda Act was introduced in British India for two reasons; one, to put a stop to child widowhood and the other to remove the impediments against physical and mental growth among children of both sexes. So far as Travancore is concerned, I do not think that the evil of child widowhood is so serious; and I have not heard any member supporting the resolution on that ground. The only ground on which it has been supported here is the apprehension that early marriage is likely to affect the health of the future citizens of Travancore. That is the main point of the resolution.

The resolution says, Sir, that the legislation to be introduced here should be *on the lines of the Sarda Act*. That Act, so far as I can see does not *invalidate* child marriages. Child marriage has been defined

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in the Act as marriage between a girl below fourteen and a boy below eighteen years of age. The Bill, as it was introduced by Mr. Harbilas Sarda, had a provision *invalidating* child marriage; but that provision was taken away by the Assembly, and it does not find a place in the Act now.

**MR. S. CHATTANATHA KARAYALAR** (*Pattanapuram* cum *Shencotta*): Does the Act expressly say so?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): No, it does not. My point is that the Act does not expressly say that child-marriage is *invalid*, while the Bill as it was introduced by Mr. Sarda had a provision making child-marriages invalid.

**MR. S. CHATTANATHA KARAYALAR** (*Pattanapuram* cum *Shencotta*): If the marriage had been made invalid, would it not affect the rights of the children?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): That is the aspect which I was about to refer to.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): May I know whether invalid or illegal marriages would make the children illegitimate?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*) Yes.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): If, under the enactment proposed, the marriages are rendered illegal, would not the issues born of such marriages be illegitimate?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): The marriages may be *illegal* in the sense that some penalty has been provided; but I do not think the *validity* of the marriages would necessarily be affected.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): Is the legitimacy of the children, or their capacity to inherit, one of the tests of ascertaining whether a marriage is illegal or legal?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Sir, the question of the validity or otherwise of the marriage under the provisions of the Sarda Act is one on which we have to await definite judicial pronouncement. The Sarda Act merely *penalises* marriages; it does not *invalidate* them. My own idea is that it would be correct opinion to hold that the marriage itself is not invalid merely because a penalty has been imposed. That is my own *personal* opinion, and I do not want that to be accepted by the House as a considered opinion. My present point is simply whether the House is prepared to accept that position, *viz.*, of child-marriages being treated as valid marriages, the children being given all rights of inheritance, and a mere penalty alone being imposed. Would that in any way tend to improve the health of the future citizens of Travancore. That is one point which the House may consider in regard to this resolution.

**MR. M. GOVINDAN** (*Nominated*): Does the wording of the resolution indicate necessarily that the legislation recommended by it should be an exact reproduction of the Sarda Act.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I believe so. The resolution says:—

"This Council recommends to the Government that early steps be taken to bring the provisions of the Child Marriage Restriction Act, known as the Sarda Act recently passed by British Indian Legislature into operation in this State".

The wording is not "*on the lines of the Sarda Act*" as I thought it was; it definitely says that the provisions of the British Indian Act must be brought into operation here. So, I think I am quite right in pointing out what I did as the implications of the provisions of the Sarda Act.

The next point that I would place before the House is whether the provisions of the Sarda Act are really necessary in Travancore even on considerations of the physical well-being of the children here, or whether it would not be enough merely to raise the age of consent. As the law now stands, even in Travancore, the union between the husband and wife, the wife being less than twelve years of age, is prohibited by the Penal Code. Therefore, if Mr. Raja's object is to save the children of the State from physical and mental degeneration, it would perhaps be better to raise the age of consent than to raise the age of marriage. But, as Mr. Kunjukrishna Pillai interjected on one occasion, there is the view that prosecutions under the Penal Code for connections between husband and wife below the allowed age are very difficult.

MR. M. GOVINDAN (*Nominated*): Who is to undertake the prosecution of the offender if after the age of consent is raised, the provision is violated?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If a person breaks the provision of the Penal Code in regard to the age of consent, he is liable for rape under the Penal Code; and that is a very serious offence. The Government will prosecute the offender.

MR. M. GOVINDAN (*Nominated*): But who will inform the Government of the commission of the offence?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We are not concerned with that now; perhaps the Police may do it.

MR. M. GOVINDAN (*Nominated*): The provision will have practically no effect if it is merely an increase in the age of consent.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That aspect of the question has already been hinted by Mr. Kunjukrishna Pillai. He has indicated how the provision in the Penal Code, in regard to the age of consent, has proved ineffective.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Suppose a girl above fourteen marries a boy below eighteen. What does the Sarda Act say about such a marriage?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It *is* a child marriage under the Sarda Act.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does the girl suffer any penalty under the Act?

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**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): The Section says:

> ".....whoever, being a male above 21 years of age, contracts a marriage (a) with a girl less than 8 shall be punishable with simple imprisonment which may extend to one month, (b) with a girl aged between 8 and 14 shall be punishable with fine which may extend to two hundred rupees."

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): May I request my friend to read Section 5 of the Act?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): The Sarda Act does not seem to penalise the boy or the girl; I think, it is the parents of the contracting parties that are sought to be punished, along with others who help the celebration of the marriage. The marriage will be perfectly valid and the union between the boy and the girl is not made invalid at all.

**MR. M. GOVINDAN** (*Nominated*): Is it not a matter on which it would be better for us to await judicial pronouncement?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Yes, it is. In all these matters of interpretation of enactments, the court is the final authority. I am now merely giving my own tentative opinion for the consideration of the House. I thought that the House would do well to bear in mind the fact that while the Bill, as it was introduced by Mr. Sarda, sought to invalidate the marriage, the Act does not do it. It is for the House to consider whether they would recognise the marriage, permit the union between the young husband and the girl and at the same time impose a penalty alone on the celebration of the marriage.

Another aspect of the question that I wish the House would consider is whether it would not be necessary to provide for some exceptions in which it would be desirable to permit child-marriages. It may be that the parents are very old and like to provide for their young daughter before they die. Naturally, they would be anxious to get their daughter married before they die. Again, an exceptionally good offer of marriage with an eligible bridegroom may offer itself. In such cases, it may be desirable to allow child marriage as exceptions. The Sarda Act does not provide for any such exceptions; but such exceptions have been provided for in similar enactments elsewhere. For instance, in Indore the enactment provides for exceptions.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*): Was not the Indore Enactment passed long before the Sarda Act?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Yes.

In some cases it may happen that the bride-groom's parents are very particular of celebrating the marriage of the boy in a particular year and that the boy himself is above eighteen. It may be that, if the girl is not married to that boy, she would lose all further chances of marrying a suitable husband. Such exceptions have been provided for in enactments in Mandi and also in Baroda. But the Sarda Act does not provide for any exception whatsoever. This is also a matter which the House may consider.

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[Mr. Kayalam Paramesvaran Pillai.]

I may also mention that, in regard to the Sarda Act, perhaps, the last word on it has not yet been heard in British India. Already there are four Bills before the Indian Legislature, one to repeal it entirely, another to repeal it as regards the Mahomedans, a third to repeal it as regards the Hindus and some other communities and a fourth to introduce certain exceptions in it. The last Bill provides that under exceptional circumstances the parents may apply to the Magistrate for a license to celebrate the marriage of girls below fourteen or boys below eighteen. With the permission of the Magistrate, child-marriages may take place under exceptional circumstances. It is a Mahomedan gentleman that has introduced a Bill to exempt Mahomedans from the operation of the Sarda Act. Mr. M. K. Achharya has introduced a Bill to exempt Brahmins, the Sowrashtras and some other communities, from the operation of the Act. All these Bills are now before the Indian Legislature. Therefore, I think we have not heard the last word in regard to this enactment even in British India. I do not mean to suggest that these Bills would necessarily be passed.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is there not an implication in the member's reference to these Bills that there is a likelihood of the Sarda Act being repealed?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not mean any implication. I only say there is yet some thing to be heard on the matter. It has even been suggested whether the Act itself is not invalid and whether it is not opposed to certain provisions in some old Acts and whether the Indian Legislature is competent to enact it. Recently, in a case in Calcutta, that question has been raised, but the judgment does not appear to refer to this point. The case has been disposed of on other points.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Anyhow, *our* legislature is competent to do it, I suppose?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is absolutely no doubt about that. When His Highness the Maha Raja puts His Sign Manual there is the law and none can question it. In Mysore, a Bill has been given notice of by Sir Puttanna Chetty. That Bill is on the lines of the Sarda Act, but with certain exceptions engrafted on the lines I indicated a little while ago. That Bill has been published by the Mysore Government for public criticism.

MR. A. THANU PILLAI (*Trivandrum*): What is the age fixed there?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Exactly as in the Sarda Act.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): What are the grounds on which the exemptions may be granted by the Magistrate or by the Court?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Bill does not specifically indicate that. I may also remind the House that while the age of consent is only twelve according

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to the Travancore Penal Code, it is thirteen at present in British India. A Bill was introduced in the British Indian Legislature to raise the age of consent to fourteen ; but it has not been passed.

Another point that has been raised in the course of the debate is that, to evade the Sarda Act, people from British India come to Travancore and have the marriages celebrated, and that to prevent such evasion of the British Indian enactment it is necessary for us also to have a similar enactment passed here. In regard to this question it may be asked whether we had not better leave it to the Government of India to introduce the necessary legislation. The Indian Legislature has got the power to legislate for Indians wherever they may go. If the only or the main purpose of the enactment here is to get hold of British Indian subjects who try to evade the Sarda Act, it is doubtful whether this House need pass any legislation on the matter.

Another point that the House has to consider is whether child-marriage is a *growing* evil in this country. Probably, it is a growing evil or perhaps not. But that has to be considered. I do not think anybody in this House will maintain that actual union between a girl below fourteen and a boy below eighteen is quite desirable. Nobody wants child-mothers. I do not think anybody in this House will look with equanimity on a child of fourteen bringing forth children. There can be no question about that. The question for the House to consider is whether it is really a *growing* evil.

**MR. M. GOVINDAN** (*Nominated*): If it is not a growing evil?

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*) : Then the House must consider whether it is such a serious evil as to need a preventive legislation.

There is also another aspect of the question *viz.*, the difficulty in determining the age of the children who are married. That matter is likely to give rise to unnecessary dispute and litigation. The House has to consider whether in the light of such difficulties and in the light of the fact that after all there are not many cases of child-marriages in Travancore, it is expedient and necessary to enact such a piece of legislation. No doubt if the House considers that it is its duty to exterminate even the single case of child-marriage, in spite of all difficulties that may arise in the way, the House must accept the resolution. Government are, as I have stated at the outset, neutral in the matter, and have allowed the official members to vote according to their personal convictions.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*) ; Sir, I wish to add a few words in support of the motion before the House. The resolution as it is worded is very moderate in its demand. It errs on the side of moderation. The Sarda Act had to stand against strong orthodox opposition in the Assembly, and I believe it was due to the opposition of Pandit Madan Mohan Malavya and that group of influential and great men that the clause, in Mr. Sarda's Bill, making child-marriage invalid, was taken away. The only principle underlying Mr. Raja's resolution is that a legislation must be enacted here to prevent co-habitation

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[Mr. K. Kunjukrishna Pillai.]

among immature girls and boys in Travancore. I do not think anybody here, even among those who opposed the resolution, would deny the fact that immature co-habitation and immature child-birth are great evils. I do not think anybody contests that point. It is commonly agreed that medically child-marriage is an evil. That proposition has been conceded by everyone in the House. Now, the question, the very serious question raised by Mr. S. Krishna Pillai, one of the most serious questions raised in the Legislative Assembly also, is whether it is expedient or advisable to introduce a legislation to prevent an evil the existence of which has not been proved. Sir, that question has been gone into by the Age of Consent Committee. And they have decided that, though ordinarily it would not be advisable to legislate except for proved evils there *have been* exceptions, and there *will be* exceptions as long as society lasts, where it has been necessary to legislate in *advance of* public opinion. I need give just one instance to prove that point. There is that enactment making *sati* illegal. That was enacted ahead of public opinion. I may also say that in the case of *sati* it was admitted by everyone that it was *not* a *growing* evil. It was admitted by all that even without legislation *sati* was becoming rarer and rarer every day. Still it was considered necessary that there should be a legislation preventing it. That legislation was introduced not because there were many cases of *sati* at the time.....

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): May I remind the member that, even without the special enactment against *sati*, the offence came within the purview of the Indian Penal Code itself.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*): I know it can be interpreted like that. But the fact remains that legislation was considered necessary to prevent *sati* whether it came under the Indian Penal Code or not. That is not really the point at issue. The question is whether legislation was found necessary in the case of a social evil like *sati* which was admittedly not a *growing* evil. In the case of *sati*, the agony of death of the victim roused the imagination of the people and they thought it was absolutely necessary to prevent it by special legislation. In the case of *sati* it can be argued that it affects only the individual concerned. But in the case of child-marriage, it affects the whole race; it affects the whole country. That is why I say that it should engage the attention of the State even more than *sati*. Child-marriage affects the society as a whole. It affects the parties to the mariage and even the progeny who are not at all responsible for the act. (*Hear, hear.*) It affects the future generation as a whole. It is only a superficial observer who may think that *sati* is a more grievous offence than child-marriage. But, looking at it closely we find that *sati* is a much lesser evil than child-marriage, considering the social aspect of the question. *Sati*, from the spectacular point of view, may be more gruesome. But the evil effects of child-marriage are more dangerous and more persistent. People have become accustomed

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so much to child-marriage that they are not able to realise its serious consequences. They are ignorant of the evil effects of child-marriage. The question has often been asked-and is sure to be raised-whether society had not been existing even without any legislation against child-marriage. Sir, that is a question which is being raised whenever any departure from the existing custom is attempted. The only answer that I can give to that question is that we *did* exist before, but that we want now to exist even *better* than we existed before. Sir, the world has been in existence even without any of the laws now in force. Therefore that argument need not be considered seriously. It has not got much weight behind it.

The Law Member referred to the incidental difficulty in determining the age of the boy or of the girl. I admit that there *is* a certain amount of difficulty in the matter. But, as I hinted in the form of a question, that difficulty would be much greater if we raise the age of consent and depend upon that for society being reformed. Consummation is a private affair. It is a bed-room offence and it will be very very difficult, practically impossible, to find out whether anybody has committed that offence. But marriage is a ceremony celebrated in public, and it will be attended by a large number of people; and ordinarily it is not very difficult to find out the age of the girl or of the boy. It is no doubt likely that some cases *are* left out and some clever rogues really evade the provisions of the law. But that is no reason why, on that ground, we should not have any legislation on the matter. As a matter of fact, it is well known that every provision of law is being circumvented by ingenious and clever rogues. That cannot be an argument that there is no necessity for legislation. It would make it easier for us to determine the age if, in addition to the provisions contained in the Sarda Act, we also make it compulsory that marriages should be registered. That provision obtains in Baroda, I think. Under that provision, the parents are asked to declare the age of the girl and of the boy, and they are liable to punishment, in case they make false statements. I do not deny that it is just possible to escape that provision also. But it will not be so easy. I am sure that it will minimise the number of cases of child-marriages. I do not think Mr. Raja, the mover of the resolution, hoped that by legislation child-marriage could be absolutely exterminated from Travancore; nor anybody, for that matter, ever thought so. No provision of law has been successful completely in exterminating the evil which it provides against. I would therefore request the House not to look at the question from that point of view, not to criticise it from the technical point of view. It cannot be denied by anybody that it will be a check on the people if there is legislation.

And then, in regard to the argument that it is more a matter for propaganda, for education, and all the rest of it, I may say that any amount of propaganda or education cannot solve this problem in *our* country where the people are bound down by custom, where they are so much averse to change, where they are so very conservative. Sir, this



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[Mr. K. Kunjukrishna Pillai.]

is not a question which can be left to the whims and fancies of individuals. It is a question which affects society as a whole, affects it vitally, and affects the health of the citizens and the entire future of the race. Every benevolent State ought to step in and interfere and guide the people in an important matter like this.

There was another suggestion from the Law Member whether exceptions should not be provided for, under certain circumstances; and he quoted the example of Indore. In Indore, the law on this subject was enacted about a decade before the Sarda Act came into force; and the law there, affords loop-holes for people to escape from the law under the guise of exceptional circumstances. It may be necessary, Sir, in particular exceptional cases it may even be more advantageous for the girl and the boy also, to have the marriage celebrated even when they are young. The parents might be getting very old and might, naturally, like to provide well for their daughter. But, I oppose the suggestion that, for the sake of such rare cases, specific provision should be made in the enactment contemplated; because, I am sure, if we have a provision like that, it will be very cunningly utilised by the people to evade the law and to nullify it; and every marriage will then be brought under the exception. There is no doubt about that. Even without any such provision, the law in British India is now being circumvented. I am therefore against the suggestion that any exception should be allowed. In rare cases it may be necessary or advantageous; but, considering the balance of advantage and disadvantage, I think it is better we do not provide for any exception. We should not give any loop-hole in a matter like this which affects the society as a whole so deleteriously.

Another question which has been raised is whether, in Travancore, there is any necessity for this piece of legislation. That is certainly a very important question; because, here, most of the communities do not follow the custom of child-marriage. But it must be admitted, Sir, that there *are* communities, in Travancore also, among whom this custom persists as much as it does in British India.

There are communities here which like to, or rather which take pride in aping the so-called higher castes in this matter. I know people who take pride in the fact that they have married girls who have not attained maturity. There are parents who take pride in the fact that they have been able to marry their daughters to desirable boys early enough. I know myself of several of such instances in the Nayar community itself. I am aware of at least one instance in which, on account of pre-puberty marriage, immature cohabitation and premature child-birth the girl died. Even during the last few months I myself have attended at least three marriages in which the girls were less than thirteen. I am speaking of the Nayar community where, it is supposed, child-marriage is not common. These marriages took place, not in towns, but in the interior, among people who are not very much educated. In these cases, I know, it was not for educating the sons-in law. It was for the mere pride of having procured a good match, or

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rather a good catch, fairly early, for the daughters in the family. These ignorant people suppose that they would miss the boy if they allow him to grow up and thus give him the opportunity to get a wide field of choice of his bride.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know from my friend whether, in the cases which he says he knows personally, it was intended that the marriages must be consummated immediately after the marriage celebration ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Certainly; I know of two or three instances in which the boy and the girl are living as man and wife; and, in one instance a child has born to the girl though she is only just fourteen. I admit that such instances are rare, and that the evil is not a *growing* evil. Even then, if it is conceded that there *are* at least a few cases in which a child has succumbed to the evil effects of immature cohabitation and immature motherhood, I think that is sufficient case made out for a legislation against such vice. So far about the communities here among whom child marriage is *not* the custom. Admittedly, there *are*, in Travancore, also communities which *have* child-marriage as the invariable custom. It is therefore doubly necessary that we have the proposed enactment here.

Another argument that was raised by the learned Law Member was that the Sarda Act itself had not reached its final shape, that we have not had yet the last word about it, that it had not yet solidified as it were and that it had not yet secured its permanent place in the British Indian Statute Book. Sir, the fact, that Bills are sought to be introduced in the Indian Legislatures to repeal or to amend the Sarda Act, is not a matter which we need seriously take note of. Because, all these Bills are due to a set of obstructionists who have been raising all manner of obstruction to the Sarda Act ever since it was introduced in the Assembly. Further, every enactment is liable to be amended or repealed. On that score, it cannot be argued that there is no finality in regard to any enactment. We have to consider the question only on its intrinsic merits. There is absolutely no chance of any such law being enacted if we are to get frightened by the opposition from the strongholds of orthodoxy. Sir, one can get an idea of the length to which these orthodox people are prepared to go in this matter if only he will go through the history of the Sarda Act. We come across a variety of arguments, very interesting in themselves, advanced by these orthodox obstructionists. I have read an argument, advanced by one of these orthodox people, that this Act was likely to throw all the prostitutes out of employment and that therefore it should be opposed. Sir, that gentleman was so much concerned with the welfare of prostitutes. This argument has been seriously put forward : and the Age of Consent committee has recorded it.

[Mr. K. I. Kocheeppan Mapillai was found seated in Mr. Karunakaran's seat.]

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): On a point of order, Sir. Mr. Karunakaran is absent, and we find somebody personating him. (*Laughter.*)

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[Mr. K. I. Kocheeppan Mappillai resumed *his* seat.]

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*): Sir, a variety of objections have been raised by these orthodox people. Religious and pseudo-religious objections were raised by some Hindus and by some Mahomedans. But, in the end they were beaten on their own ground. *Pandits* were beaten by *pandits* themselves. Texts were quoted, and counter-texts were also quoted. The Mahomedan *Maulvis* and *Izmas* were beaten by other *Maulvis* and *Izmas*.

In regard to the Mahomedans, I may point out that, in Egypt and in Turkey, legislation, preventing child-marriage, was enacted prior to the Sarda Act. We have such legislation in every civilised country in the world. In Russia the age of consent is sixteen.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Not the age of *marriage*, I suppose?

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*): No, not the age of marriage.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): Has marriage been penalised in any one of these countries?

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*): Yes, it *has* been penalised in Egypt and in Turkey.

**MR. M. GOVINDAN** (*Nominated*): In China also, I think.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*) I do not know that.

**MR. P. VISVANATHA AIYAR** (*Ag. Secretary to Government*): What is the age of marriage in England?

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*): It is twelve there. Sir the Englishman can look after himself even without any legislation The practical-minded Englishman is not like the Indian who make everything a fetish of religion. The Englishman can manage his own affairs without any help from outside. There is absolutely no use comparing the Indian with him.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): What is the age of marriage in Baroda?

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*): Thirteen, if I remember right.

Sir, the Law Member argued that, if the contemplated legislation here was intended to prevent people from British India coming into Travancore, celebrating the marriages and thus evading the Sarda Act, there was no need for us to legislate, since, the British Indian Legislature had itself the power to legislate preventing such evasion of the Sarda Act. Sir, after all it is a foreign Government that they have in British India, and they may not care to go to that extreme when religious objections are raised. Why should a foreign Government court unnecessary controversy and opposition? That is no reason why *we* should not legislate in the matter, particularly when we find that there *is* the evil existing here also.

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Then, in regard to the opinion of our women in the matter, there is absolutely no doubt that the women are very keen in having this legislation. Women's organisations worth the name really came into existence in India only recently, and that to support the Sarda Act. I dare say, in Travancore, where the women are far advanced in education, the women will surely support the enactment.

Sir, because I have just now suggested that our women, being highly educated, would support the enactment, it should not be understood that, with the advancement in education, the evil would die a natural death and that legislation is therefore unnecessary. The Madrasi Brahmin—it is admitted on all hands—is the most intelligent of all communities and beats every other community in point of education. Still, it is he who stoutly opposed the Sarda Act in all its stages.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): Was it not on religious grounds that he opposed the Sarda Act?

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*): The Madrasee Brahmin has opposed it on the religious ground, on the medical ground, on the social ground and on every possible ground. There is no field which he has left out in opposing the Sarda Act. He even argues that, medically, child-marriage is good for the couple. He has his own arguments for that position, and all of them irrefutable in their own way. As I said, he is very intelligent and he has used all his intelligence against this Act. He even quotes statistics to show the large number of deaths that have occurred even among people who had only post-puberty marriages.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*) Is the Madrasee Brahmin oppositionist concerned so much against the age of consent as against the age of marriage?

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*): He is against both. He attacks from every quarter.

**MRS. ANNA CHANDI** (*Nominated*): What is the opinion of the Brahmin women?

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*): I am not aware of any opposition from Brahmin women.

In the circumstances, I do not think there can be any serious opposition to this piece of legislation. Of course, the details can be worked out after the principle is accepted. I am sure the mover of the resolution is not averse to the necessary changes being made as occasion arises. Anyhow, let not his resolution be opposed on mere technical grounds. The spirit of the resolution must alone be taken into account. I hope that the Government will come forward with a suitable Bill for the acceptance of the House and that ere long it will adorn the Statute Book of Travancore.

**MR. A. NARAYANA PILLAI** (*Vaikam*): മി: രാമവർമ്മരാജ ഇവി ടെ ഹാജരാക്കിയിട്ടുള്ള പ്രമേയത്തെ ഞാൻ അനുകൂലിക്കുന്നു. ഇതിനെ

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[Mr. A. Narayana Pillai.]

അനുകൂലിക്കാമൊ എന്നു തന്നെ സംശയംവന്നിരിക്കുന്നു. ഈകൌൺസിലിൽ സാധാരണകണ്ടുവരാറുള്ള സാങ്കേതികതടസ്സങ്ങളെ അടിസ്ഥാനപ്പെടുത്തി മിസ്റ്റർ ഇ. വി. കൃഷ്ണപിള്ള ഇപ്പോൾ പ്രസ്താവിച്ചതുപോലെ ഞാൻ എന്റെസ്ഥാനത്തുതന്നെയാണൊ സ്ഥിതിചെയ്യുന്നതെന്നു എനിക്കുവലിയ സംശയമുണ്ട്. ഇവിടെ ഓരൊ സ്ഥാനങ്ങളുണ്ടെങ്കിലും അവയിൽ കാണുന്നപോർവേറെയാണ് കാണുന്നതു്. അങ്ങിനെയുള്ള സാങ്കേതികതടസ്സങ്ങളും വരുകയില്ലെന്നുള്ള വിചാരത്തോടുകൂടി ഈ പ്രമേയത്തെ അനുകൂലിച്ചുകൊള്ളുന്നു. ഈപ്രമേയം നിമിത്തം രാജ്യത്തിനുണ്ടാകാവുന്ന ഗുണഗണങ്ങളെപ്പറ്റി പ്രതിപാദിച്ചുകഴിഞ്ഞു. ശൈശവവിവാഹത്തെ തടയുന്ന ഒരുനിയമം ഈനാട്ടിൽ ഇല്ലാത്തതിനാൽ അപ്രകാരം ഒരുനിയമം ഇവിടെ അത്യാവശ്യമാണു്. മെജാറിട്ടിക്കുമുമ്പു വിവാഹം ചെയ്തുകൊള്ളണമെന്നുള്ള നിർബന്ധം ഇവിടത്തെ ചില സമുദായക്കാരുടെയിടയിലുണ്ടു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) ഏതുസമുദായക്കാരാണു് അങ്ങിനെചെയ്തുവരുന്നതു്?

MR. A. NARAYANA PILLAI (*Vaikam*): തമിഴ് ബ്രാഹ്മണരുടെയിടയിലും മറുതമിഴരുടെയിടയിലും ശൈശവവിവാഹം നടക്കുന്നുണ്ടു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): അബ്രാഹ്മണരുടെയിടയിൽ ഈവിധത്തിൽ നടക്കുന്നുണ്ടൊ?

MR. A. NARAYANA PILLAI (*Vaikam*): സാരസ്വത ബ്രാഹ്മണർ, കുഡുംബികർ എന്നീ സമുദായക്കാരുടെയിടയിൽ ശൈശവവിവാഹം നടക്കുന്നുണ്ടു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): നമ്പൂതിരിമാരുടെയിടയിലുണ്ടൊ?

MR. A. NARAYANA PILLAI (*Vaikam*): ഇല്ല.

ഈ ശൈശവവിവാഹം ശ്രുതിയെയൊ സ്മൃതിയെയൊ അടിസ്ഥാനപ്പെടുത്തിയല്ലെന്നു മിസ്റ്റർ രാജാ പ്രസ്താവിച്ചുകഴിഞ്ഞു. വെറുംതെറ്റിധാരണയോടുകൂടിയും വെറും ആചാരത്തെ അടിസ്ഥാനപ്പെടുത്തിയും നടന്നുവരുന്ന ഈ ദുരാചാരത്തെ കഴിയുന്നതുംവേഗം നീക്കേണ്ടതാണു്. ഇതൊരു ദുരാചാരമാണെന്നു ആ സമുദായത്തിൽ വിദ്യാഭ്യാസംകൊണ്ടു് മുന്നണിയിൽനിന്നു പ്രവർത്തിക്കുന്നവർക്കു ബോദ്ധ്യപ്പെട്ടിട്ടുണ്ടെങ്കിലും പഴയ ആചാരത്തെ ഭേദപ്പെടുത്തുന്നതിനു ഇതുവരെ സാധിച്ചിട്ടില്ല. വി

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ട്ടിദ്ധ്യാഭ്യാസംകൊണ്ടു മുന്നണിയിൽ വന്നിട്ടുള്ള ജനങ്ങളുടെ സാഹസപ്രവൃത്തികൊണ്ടാണു ബ്രിട്ടീഷിൻഡ്യയിലും മറ്റു നാട്ടരാജ്യങ്ങളിലും ഈ നിയമം പാസാക്കുന്നതിനു സാധിച്ചിട്ടുള്ളതു്. വിദ്യാഭ്യാസത്തിൽ മുന്നോട്ടുവന്നിട്ടുള്ള ഒരു സമുദായമല്ല തമിഴ് ബ്രാഹ്മണസമുദായമെന്നു തിരുവിതാംകൂറിലുള്ള അനുഭവംകൊണ്ടു കാണാവുന്നതാണു്. ആ സമുദായത്തിലുള്ള സ്ത്രീകളെസംബന്ധിച്ചാണു ഞാൻ പ്രസ്താവിച്ചിട്ടുള്ളതു്. ആ സമുദായത്തിൽ പള്ളിക്കൂടത്തിൽ പഠിക്കുന്ന സ്ത്രീകൾ പ്രായപൂർത്തിയാകുന്നതുവരെ വിവാഹം കഴിക്കാതിരിക്കുന്നുണ്ടു്.

MR. K GOPALAKRISHNA PILLAI (*Parur*): ആ സമുദായത്തിലുള്ള സ്ത്രീകളെ പള്ളിക്കൂടത്തിലയക്കുന്നതുതന്നെ ഒരു തടസ്സമാണെന്നറിയാമൊ?

MR. A. NARAYANA PILLAI (*Vaikam*): ചിലർക്കു് ആ വിഷയത്തിൽ തടസ്സമുള്ളതായും കാണുന്നുണ്ടു്. ഒരു നിശ്ചിതപ്രായംകഴിഞ്ഞാൽ പിന്നീടു പള്ളിക്കൂടത്തിലയക്കുന്നതു് ഒരു ഭ്രഷ്ടാണെന്നു് അവർ സങ്കല്പിക്കുന്നുണ്ടു്. ഈ വിധത്തിൽ സങ്കടപ്പെടുന്നവർക്കു ഇങ്ങിനെ ഒരു നിയമംകിട്ടിയാൽ വളരെ ആശ്വാസമായിരിക്കും. സെൻസസ് കമ്മിഷണരുടെ കണക്കനുസരിച്ചു പത്തുവയസ്സിനുതാഴെ ഐ വിധവകൾ ഉണ്ടെന്നുകാണുന്നു. ഈ ഐ പേരും വിധവകളായി ജനിച്ചുവരൊ നിത്യവൈധവ്യം അനുഭവിക്കണമെന്നു നിശ്ചയിച്ചിട്ടുള്ളവരൊ അല്ല എന്നുള്ളതു നിശ്ചയമാണു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഈ വിധവകൾക്കു് പിന്നീടു വിവാഹംചെയ്യരുതൊ?

MR. A. NARAYANA PILLAI (*Vaikam*): പിന്നീടു് വിവാഹം പാടില്ല എന്നുള്ള നിർബന്ധം ഈ സമുദായങ്ങൾക്കുണ്ടു്. ശൈശവവിവാഹം നിർബന്ധമുള്ള സമുദായങ്ങൾക്കു പുനർവിവാഹം പാടില്ലെന്നു നിർബന്ധമുണ്ടു്. അതു അവർക്കു ഭ്രഷ്ടാണു്.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): ഈ ഐ പേരും രണ്ടാമതു് വിവാഹംകഴിക്കാൻ പാടില്ലാത്തവരല്ലെ?

MR. A. NARAYANA PILLAI (*Vaikam*): എന്നാണു് ഉദ്ദേശിക്കേണ്ടതു്. പ്രൗഢവാകുന്നതിനുമുമ്പു് വിവാഹംകഴിക്കണമെന്നുള്ളതുകൊണ്ടു് ഈ ഐ പേരും നിത്യവിധവകളായിത്തന്നെയിരിക്കണം. നിർബന്ധമായ ഒരു ആചാരംകൊണ്ടു വന്നുചേർന്ന ഈ വൈധവ്യംനിമിത്തം അവരുടെ മാതാ

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[Mr. A. Narayana Pillai.]

പിതാക്കന്മാക്ക് എത്രമാത്രം സങ്കടമുണ്ടെന്നു ആലോചിച്ചുനോക്കേണ്ടതാണ്. ൧൪ വയസ്സിനുതാഴെയുള്ള വിധവകൾ ൪൦൦-ൽ ചിലപ്പോൾ ഉണ്ട്. ഈ നിലയിൽ പ്രായമാകുന്നതിനുമുമ്പു് എത്രമാത്രം വിധവകളാണു് ഒരു ചെറിയ സമുദായത്തിൽ ഉണ്ടായിക്കൊണ്ടിരിക്കുന്നതെന്നു അനുമാനിക്കാവുന്നതാണു്. വെറും ആചാരത്തെമാത്രം അടിസ്ഥാനപ്പെടുത്തി നടത്തിവരുന്ന ഈ ശൈശവവിവാഹത്തെ ഒരു നിയമംമൂലം നിരുത്സാഹപ്പെടുത്തണമെന്നാണു് എന്റെ അഭിപ്രായം. സൗകര്യത്തിനുവേണ്ടി ഇതിൽ ചില എക്സെപ്ഷൻ വയ്ക്കരുതോ എന്നു ചിലർ അഭിപ്രായപ്പെടുന്നു. അങ്ങിനെ സൗകര്യത്തിനുവേണ്ടി ചെയ്യുമ്പോൾ പല തടസ്സവും ഉണ്ടാകും. വിവാഹംകഴിഞ്ഞശേഷം ഭർത്താവിനെ പഠിപ്പിക്കേണ്ടിയിരിക്കുന്നു. അതിലേക്കുണ്ടു ചില എക്സെപ്ഷൻ വേണമെന്നു പറയുന്നതു്. അങ്ങിനെയാണെങ്കിൽ സ്ത്രീധനമെടുപ്പാട്ട നടപ്പിൽ വരുത്തുന്നതാണു കുറേക്കൂടി നല്ലതായിട്ടുള്ളതു്. അല്ലാതിരുന്നാൽ ഭർത്താവു പഠിച്ചുകഴിഞ്ഞുവരുമ്പോൾ പുരുഷൻ സ്ത്രീക്കു് അടിമയാകണം. അല്ലെങ്കിൽ ഭർത്താവിന്റെ സ്ഥിതിയനുസരിച്ചു ഭാര്യ യോജിക്കാതെ പരസ്പരം സൗഹാർദ്ദതയില്ലാതെ വരുന്നതാണു്. അതിനാൽ സൗകര്യത്തിനുവേണ്ടി എക്സെപ്ഷൻ ചെയ്യാതെ സ്ത്രീധനമെടുപ്പാട്ട നടപ്പിൽവരുത്തുന്നതാണു് ഉത്തമമായിട്ടുള്ളതു്. ഭർത്താവു മരിച്ചാലും ആ ധനം തിരിയെ കിട്ടത്തക്കവിധത്തിൽ വ്യവസ്ഥചെയ്താൽ മതിയാകും.

MR. K. P. ABRAHAM (*Muvattupuzha cum Todupuzha*): ശൈശവവിവാഹത്തിനു സ്ത്രീധനം ഏർപ്പാടുണ്ടായിരുന്നോ?

MR. A. NARAYANA PILLAI (*Vaikam*): മുമ്പുണ്ടായിരുന്നു.

സ്ത്രീധനം ഏർപ്പെടുത്തിയതു കൊണ്ടു ശൈശവവിവാഹം കുറയുമെന്നല്ല എന്റെ അഭിപ്രായം. ചെറുപ്പത്തിൽതന്നെ അനുരൂപനായ ഒരു ഭർത്താവിനെ തിരഞ്ഞെടുത്തു പഠിപ്പിക്കാൻ സൗകര്യമുണ്ടാകിരിക്കണമെന്നു പറഞ്ഞതുകൊണ്ടാണു സ്ത്രീധനത്തിന്റെ കാര്യം പറഞ്ഞതു്. അല്ലാതെ സ്ത്രീധനം നല്ല ഒരേർപ്പാടല്ല.

മാതാപിതാക്കന്മാർ തങ്ങൾക്കു പ്രായം അധികമാകുന്ന അവസരത്തിൽ മക്കൾക്കു നേരത്തെ വിവാഹം നടത്തിവയ്ക്കണമെന്നു് ആഗ്രഹിക്കുന്നു എങ്കിൽ അതിനു തടസ്സമായി വരികയില്ലെ എന്നു ചിലർ അഭിപ്രായപ്പെട്ടു. മരണം എപ്പോഴുണ്ടാകുമെന്നു ഒരുത്തർക്കും അറിഞ്ഞുകൂടാ. ഭാര്യാഭർത്താക്കളാകാൻ ഉദ്ദേശിക്കുന്നവർതന്നെ നേരത്തെ മരിച്ചു എന്നു

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വരാം. അതിനാൽ ആ കാരണം വച്ചുകൊണ്ടും എക്സെപ്ഷൻ ഉണ്ടാക്കേണ്ടയാവശ്യമില്ല.

അതിനാൽ മിസ്റ്റർ രാജാ അവതരിപ്പിച്ച പ്രമേയത്തെ, ശൈശവവിവാഹത്തെ തടയണമെന്നുള്ള ഈ പ്രമേയത്തെ, എല്ലാവരും സപ്പോർട്ടുചെയ്യണമെന്നുള്ള അഭിപ്രായത്തോടുകൂടി ഞാൻ അനുകൂലിച്ചു കൊള്ളുന്നു.

**MR. K. P. MADHAVAN PILLAI** (*Shertallai*): Sir, I move for a closure of the debate.

**DEPUTY PRESIDENT**: I should like to allow every member to have his say, especially as we have representatives of the Mahomedan community here; they may like to express their views on the matter. I do not therefore think that it will be proper to terminate the debate in the manner you require, Mr. Madhavan Pillai.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*): I wish to bring to the notice of the House another point. The community which will be affected most by this legislation, if it comes into force, is, unfortunately, not represented now in this House, as the Deputy President happens to be in the chair.

**DEPUTY PRESIDENT**: I shall make a statement of my views on the matter before the question is put to vote.

**MR. P. S. MAHOMED** (*Nominated*): ശൈശവവിവാഹം ഒരു സോഷ്യൽ ഈവിൾ ആണെന്നുള്ള സംഗതി പ്രതികൂലമായിട്ടും അനുകൂലമായിട്ടും ഇവിടെ സംസാരിച്ചവർ സമ്മതിച്ചുകഴിഞ്ഞു. അതിനെ സംബന്ധിച്ചു ഇനിയും കൂടുതലായി സംസാരിക്കേണ്ടതാവശ്യമില്ല. ഇപ്പോഴുള്ള വിവാഹംകൊണ്ടു പൊതുവെ മനുഷ്യരുടെ ആരോഗ്യത്തെ നശിപ്പിക്കുകയും ദീർഘായുസ്സിനെ ഇല്ലായ്മചെയ്യുകയും ചെയ്യുന്നു എന്നുള്ളതും ഇവിടെ പ്രസ്താവിച്ചുകഴിഞ്ഞു. ഈ രീതിയിൽ ഇത്തരം വിവാഹങ്ങൾ ഇനിയും നടക്കുകയാണെങ്കിൽ മനുഷ്യരുടെ ജീവിതം വളരെ ചുരുങ്ങിയ ഒരു കാലമായി തീരുന്നതാണ് എന്നും ഇവിടെ പ്രസ്താവിച്ചുകഴിഞ്ഞു. ഈ സംഗതികളിൽ യാതൊരു അഭിപ്രായവ്യത്യാസവും എനിക്കില്ല. ശൈശവവിവാഹത്തെ ഇല്ലായ്മചെയ്യണമെന്നുള്ള അഭിപ്രായക്കാരനാണു ഞാനും. അതിനാൽ അതിനെപ്പറ്റി ഒരു പ്രസംഗം ചെയ്യേണ്ടയാവശ്യമില്ല. എന്റെ സ്നേഹിതൻ മിസ്റ്റർ കുഞ്ഞുകൃഷ്ണപിള്ള ഇസ്ലാംമതപ്രകാരം വേറെ ചില രാജ്യങ്ങളിൽ ശൈശവവിവാഹത്തെ എതിർക്കുന്നു എന്നു പ്രസ്താവിച്ചു.



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MR. K. KUNJUKRISHNA PILLAI (*Quilon*): മറ്റു രാജ്യങ്ങളിൽഎതിക്കുന്നു എന്നല്ല പറഞ്ഞതു്.

MR. P. S. MAHOMED (*Nominated*) : ബ്രിട്ടീഷിഇൻഡ്യയിൽ സർദാ ബില്ലിനെ എതിത്തു എന്നുപറഞ്ഞു. മതസംബന്ധമായ പ്രതിബന്ധമുണ്ടായിരുന്നു എങ്കിൽ ഒന്നാമതായി ഈ റസല്യൂഷനെ എതുക്കുന്നതു ഞാനായിരിക്കും. ഇസ്‌ലാംമതം ശൈശവവിവാഹത്തെ അനുകൂലിച്ചിട്ടില്ല. എന്നാൽ പ്രത്യക്ഷമായി അതിനെ നിരോധിച്ചിട്ടില്ല എന്നേയുള്ളു. ചില സൂചനകൾ കൊണ്ടു ശൈശവവിവാഹം നല്ലതല്ലെന്നു കാണിച്ചിട്ടുണ്ടു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഏതു വയസ്സുവരെയുള്ള വിവാഹത്തെയാണു നല്ലതല്ലെന്നു പറഞ്ഞിട്ടുള്ളതു്.

MR. P. S. MAHOMED (*Nominated*): ഋതുവാകുന്നതുവരെയുള്ള വിവാഹമാണു നല്ലതല്ലെന്നു സൂചിപ്പിച്ചിട്ടുള്ളതു. പ്രായപൂർത്തിയായതിനുമേലുള്ള വിവാഹമാണു ന്യായമായിട്ടുള്ളതു്. സ്ത്രീയുടെ സമ്മതത്തോടുകൂടിയ വിവാഹമായിരിക്കണം. ഒരു സമ്മതം കൊടുക്കണമെങ്കിൽ പ്രായപൂർത്തി ആകണം. പ്രായപൂർത്തി ഇല്ലാത്ത ഒരു സ്ത്രീയെ വിവാഹംചെയ്താൽ പ്രായപൂർത്തിയായ ശേഷം ആ സ്ത്രീക്കു ആ വിവാഹത്തിൽനിന്നും മാറിപ്പോകാൻ അധികാരം കൊടുത്തിട്ടുണ്ടു്. ഈ വിധത്തിലല്ലാതെ ഇസ്‌ലാംമതം ശൈശവവിവാഹത്തെ അനുകൂലിച്ചിട്ടുണ്ടു് എന്നു് ആരും തെറ്റിധരിക്കരുതു്. സെൻറിമെൻറലായിട്ട പ്രവർത്തിക്കുവാൻ ആഗ്രഹമുള്ള പലരും ഉണ്ടു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): മുസ്‌ലീമിങ്ങളുടെയിടയിൽ ശൈശവവിവാഹം നടക്കുന്നുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*): ചില സ്ഥലങ്ങളിൽ നടക്കുന്നുണ്ടു്. അതിനെ പ്രത്യേകിച്ചു മുസ്‌ലീം സമുദായത്തിൽ നിന്നും തടഞ്ഞിട്ടില്ല.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): ഇപ്പോൾ നടപ്പിലുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*): ചില സ്ഥലങ്ങളിൽ നടപ്പുണ്ടു്.

RAO SAHIB DR. N. KUNJAN PILLAI (*Census Commissioner*): Sir, I do not want to make a long speech. But, I find that the mover of the resolution and my friend who opposed it, have both quoted me in support of their respective arguments. The mover said—at least I understood him like that—that child-marriages are increasing from Census to Census.

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**MR. RAMA VARMA RAJA** (*Edavagai*) : എന്നല്ല ഞാൻ പറഞ്ഞതു്. മുമ്പിലത്തെ സെൻസസ്സിൽ ഇതിനെപ്പറ്റി ആവശ്യമുള്ള കണക്കുകൾ ശരിയായി എടുത്തിട്ടില്ലെന്നു സെൻസസ് കമ്മീഷണർ പറഞ്ഞു എന്നാണു ഞാൻ പറഞ്ഞതു്.

**RAO SAHIB DR. N. KUNJAN PILLAI** (*Census Commissioner*) : I may say that from Census to Census, we do find a perceptible decrease in the number of child-marriages; but, I must admit that still a considerable number of little girls and boys are being married. To show that child-marriages are declining, I will just give some figures. I must say that both Mr. Raja, if he really quoted me when he said that child-marriages are *not* decreasing from Census to Census, and Mr. Krishna Pillai, are right and both are wrong. I shall take the Census of 1911 and compare it with that of 1931. In 1911, among the Hindus, out of 1,000 girls in the age group 5 to 10, 994 were not married so that the remaining six alone were married; and in 1931, seven were married out of 1,000. Among the Christians in the age-group of 5 to 10, in the year 1911, 5 per thousand were married, and in 1931, 9 per thousand were married. There is a slight increase. That is a point for Mr. Raja. Coming to the age-group 10 to 15, in 1911, among the Hindus, 73 girls per thousand were married, and in 1931, 75 per thousand were married. But among Christians, in 1911, 124 per thousand were married, and in 1931, the number came down to 87. So, among the Christians, we find a decided decrease from 1911 to 1931,

**MR. A. S. DAMODARAN ASAN** (*Mavelikara cum Kartikapalli*) : Is there not an increase in the case of girls in the age-group 5 to 10?

**RAO SAHIB DR. N. KUNJAN PILLAI** (*Census Commissioner*) : After all, the absolute number is very small.

I will give some other figures. I have divided the Hindu population of the State, excluding the Brahmins, into two classes. The Brahmins stand by themselves; pre-puberty marriage is compulsory among them. In the age-group 7 to 13, the number of marriages among Brahmin girls is 87 per thousand, among Syrian Christian girls 17 per thousand, among the other Christians only 7 per thousand. The Hindus other than Brahmins I have divided into two classes, advanced and backward,—I mean from the point of view of education—just to see whether education has any influence on the marriage question. In the age-group, 7-13 among the advanced Hindus, 9 girls out of one thousand are married, and among the backward Hindus 11 per thousand. I am quoting these figures just to show that as education advances, the number of early marriages is decreasing.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*) : These figures apply only to the non-Brahmin communities, I suppose?

**RAO SAHIB DR. N. KUNJAN PILLAI** (*Census Commissioner*) : Yes. The Brahmins are treated separately; they have the religious obligation that girls must be married before puberty.

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**MR. A. THANU PILLAI** (*Trivandrum*): May I know whether the non-Brahmin Tamilian community is taken as advanced or backward? It is the custom among them to have pre-puberty marriages.

**RAO SAHIB DR. N. KUNJAN PILLAI** (*Census Commissioner*): I have made the classification on this basis: those communities, in which more than 50 per cent. of the male population of ages 7 and over are literate, are treated as advanced, and the rest as backward. The number of non-Brahmin Tamilians in this country is very small. As to whether I have treated them as advanced or backward, I can give the information only by referring to the table of literacy by caste which I have not got here. I have chosen only those communities which may be considered as advanced or backward from the point of view of education. My only object in doing so is to show that, as education advances, there is an appreciable decrease in the number of child-marriages.

**MR. A. THANU PILLAI** (*Trivandrum*): From the figures just quoted, I find that out of 1000 girls among the Syrian Christians, there are 17 early marriages, while among the other Christians, the number is only 7. And the Syrian Christians are advanced in education. How does the Member explain that?

**RAO SAHIB DR. N. KUNJAN PILLAI** (*Census Commissioner*): But, among the Syrian Christians, there is the largest decrease in the number of early child-marriages during the last two decades. From 124 in 1911 it has come down to 87 in 1931.

**MR. A. THANU PILLAI** (*Trivandrum*): In respect of the other communities also, the figures of the previous census are necessary, so that we can compare and see whether as education advances, the number of child-marriages decreases. Figures relating to Syrian Christians alone have been given now.

**RAO SAHIB DR. N. KUNJAN PILLAI** (*Census Commissioner*): Unfortunately, those figures are not available at present.

As regards early marriages, among Hindus, the Brahmins stand first, and among Christians, the Syrian Christians, stand first. I think that is because child-marriage is the custom among them; but education is practically breaking up that custom as far as the Syrian Christians are concerned. That is the conclusion I have come to.

**MR. A. S. DAMODARAN ASAN** (*Mavelikara* cum *Kartikapalli*): May I know the figures relating to Malayala Brahmins?

**RAO SAHIB DR. N. KUNJAN PILLAI** (*Census Commissioner*): Among the Malayala-Brahmins, in the age-group 7 to 13, 45 girls out of one thousand are married, while in the case of the other Brahmins, 87 per 1000 are married.

No doubt, as education advances, the number of early marriages is decreasing. Whether we should allow this custom to die a natural death as education advances or whether we should resort to legislation and summarily dispose it of, is a matter for consideration. And this

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is my view on the matter. I have put it in a nut shell in the chapter on civic condition in the Census Report I am writing and shall read it out to the House.

> "The Sarda Act of British India prescribing the age-limit for the marriage of girls at 14 and for boys at 18 is not in force in Travancore. There is no general demand from the people as yet for the enactment of a similar law in this State, nor does there seem to be any urgent necessity for it. We have seen that infant marriage is far less common in this State than in India and that it is declining with the spread of education. The custom is not, however, altogether extinct. 42 girls out of 1,000 between the ages of 5 and 15 are married or widowed in this State as against 221 in India. Marriage of immature persons is a serious social evil. Its existence, on however small a scale, tends to undermine the health and vigour of the future generations. Whether it should be allowed to die a natural death under the stress of enlightened public opinion or summarily disposed of by legislation is a question that ought to engage the earnest attention of social reformers."

**MR. E. V. KRISHNA PILLAI** (*Kottarakara* cum *Kunnattur*): Is it in one of the earlier Chapters of the Report of the Census Commissioner?

**RAO SAHIB DR. N. KUNJAN PILLAI** (*Census Commissioner*): I am not going to divulge that secret now (*Laughter*).

After all, Sir, it is not so much in the marriage as in the consummation that the evil lies.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*): Is it not better to prevent the marriage itself so that consummation cannot take place?

**RAO SAHIB DR. N. KUNJAN PILLAI** (*Census Commissioner*): It is the early union that should be prevented and not betrothal. Opinion is gaining ground that in countries like America, where there is law prohibiting child-marriage, malpractices are very common among children of both sexes. Whether it is not, therefore, better to allow betrothals to take place early, and to legislate that consummation of marriage should take place only after a certain age, so that the malpractices and evils so rampant among children in schools may be put an end to, is a point for consideration. I am only putting it forward as a suggestion. Personally as I have already stated I am for stopping this social evil. But, whether it should be by legislating against marriage or against consummation of marriage is the matter for consideration. I am perfectly at one with my friends, in thinking that it is a matter which ought to engage the attention of the House.

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*): I wish to say a few words on the resolution. We have heard much about the evils of child-marriage; and our lady member has told us that women in general have felt the evil so much that they, as a body, are sure to support any form of legislation to prevent this evil.

**MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*): The wearer alone knows where the shoe pinches.

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*): Quite so. I have myself seen the results of child-marriages which are in some cases tragic.

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**MR. K. NARAYANAPERUMAL NADAR** (*Agastisvaram*): I do not hear the member, Sir.

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*): I can speak louder than the member himself, and I am prepared to come to the front even, if there is any necessity for that. If he would listen carefully, I am sure, he would be able to hear me.

I need not tell you that the physique of the Indian is going from bad to worse; and when we consider the great necessity to improve the national physique, we should try our best to ward off anything which tends to undermine it. I do not say that child-marriage is the only cause contributing to the deterioration of the physique. Of course, malnutrition also contributes to a great extent; but, child-marriage is a cause which can be prevented far more easily than the evil of malnutrition.

**MR. E. V. KRISHNA PILLAI** (*Kottarakara* cum *Kunnattur*): What is the earliest age at which the doctor would recommend the union of a man and a woman?

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*): Fifteen or sixteen for the girl, and in the case of the boy, at least twenty—I think even twenty-five—would be excellent. We find that people who get married a little late are able to keep better health.

**MR. K. P. ABRAHAM** (*Muvattupuzha* cum *Todupuzha*): Whose health will be more adversely affected by child-marriage, the husband's or the wife's?

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*): Of course, the girl's; I do not say that the health of the boy will not be affected. But the girl's health would be affected more, because she has to bear the burden of maternity.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*): Will birth-control be a panacea for all these ills?

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*): No; it is not at all a panacea. On the other hand, it is likely to lead to various other troubles.

**MR. L. A. BISHOP** (*Commissioner of Police*): What does the member mean by saying that the physique of the Indian is getting from bad to worse?

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*): The general standard of health is deteriorating every day.

**MR. L. A. BISHOP** (*Commissioner of Police*): How does the member arrive at that conclusion?

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*): From personal experience of the past 25 years.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): I rise to a point of order Sir. The member is not addressing the chair.

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**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*): In the case of child-marriages, what happens is this. The mother, weakened by successive child-births, becomes, when she is about twenty, unable to attend to her house and to her children. The children thus neglected become an easy prey to various diseases. The mother herself, because of her tender age does not know what is good for her children and what is not.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*): In view of the partition of the Nayar *tarwads*, has it not become necessary that the children must be looked after by their young mothers themselves?

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*): As regards the Nayar community, I do not think the evil is so great. But when we take other communities into consideration, I am sure every one will admit that the prevention of child-marriages is absolutely necessary. I have seen numerous children suffering from diseases which could have been easily prevented had the mother been capable of giving proper nourishment to the children and also of attending on them. This is a great factor in contributing to the enormous infantile mortality in Travancore. So long as we recognise that this *is* an evil, even though it may not be a growing evil, I think all of us should join hands and see that it is rooted out as early as possible. The Census Commissioner has given us figures which show that child-marriage exists among the various communities in the State. I do not want to take up any more time. I am sure that most of the members when they think of it will agree that it is high time to put a stop to this child-marriage; and that our efforts should be to improve the physique of the nation so that we may become healthy.

**MR. K. MADHAVAN PILLAI** (*Trivandrum cum Neduvangad*): Are not the ailments due to child-birth more common among child-mothers?

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*): Yes, certainly. As regard child-widows.....

**MR. K. GEORGE** (*Chief Secretary to Government*): Are there many child-widows in Travancore?

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*): Yes, a good number. Taking all communities into account, you find a good number of child-widows between the ages of thirteen and fourteen.

**MR. K. P. ABRAHAM** (*Muvattupuzha cum Todupuzha*): Which number is greater, that of widows or of widowers?

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*): The number of widows is, of course, greater; because, the widowers can re-marry.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): Is there any restriction against widow re-marriage?

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*): In some communities there *are* restrictions.

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MR. S. KRISHNA PILLAI (*Karunagapalli*) : What is the opinion of the member in regard to the number of child-mothers who have been brought to his notice in his capacity as medical officer?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*) : I cannot give figures.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Are any statistics available on the question of the health of child-mothers?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*) : The figures can be obtained from maternity hospitals. But, I may assure the House that there is a fairly large number of such cases.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Will the average be a hundred per year?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*) : All communities put together contribute a good number.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : What are the communities, mainly, which have large numbers of these child-mothers?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*) : I have not considered the question from that viewpoint. I am only giving my own opinion in the matter.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : What are the reasons which, ordinarily, induce parents to celebrate child-marriages?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*) : There may be economic reasons.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Is there any other reason?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*) : I do not know.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Is it the opinion of the member that such economic considerations should not weigh with a community that does not discountenance child-marriages?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*) : I have already stated that I have not considered the question from the communal standpoint.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : When other important considerations weigh with the communities in celebrating child-marriages, can it be said that child-marriage is an evil?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*) : It is an evil all the same.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : When there are other considerations more vitally affecting the people?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*) : We want sturdy men and women for our nation.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Is the physiological consideration more important than any other matter on earth?

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**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*) : Yes; all of us must try to become strong. As a race,we must be respected in point of health. Child-marriage is an evil which undermines the health of our men and women.

**MR. E. V. KRISHNA PILLAI** (*Kottarakara* cum *Kunnattur*) : The member has stated, in answer to a question put by Mr. Madhavan Pillai, that delivery troubles are greater in the case of child-mothers. Can the member assure the House whether those troubles are attached to all cases of first delivery or whether they are special in the case of girl-mothers ?

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*) : The point is this. Naturally when a girl is married at thirteen, she starts giving birth to children at fourteen; and every alternate year she goes on producing, so that by the time she is twentyone she has five or six children. Her vitality is sapped.

**MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*) : The issues also get weaker ?

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*) : Yes.

**MR. E. V. KRISHNA PILLAI** (*Kottarakara* cum *Kunnattur*) : So difficulties of delivery get less and less ?

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*) : The member is evidently thinking of the mechanical difficulties. (*Laughter.*) My point is this. When a girl marries early, naturally, she gives birth to plenty of children.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*) : Is that *natural* ?

**DR. K. RAMAN TAMPI** (*Inspcting Medical Officer*) : I should think so, from the physiological point of view.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*) : Has any instance ever been brought to the notice of the member, of early marriage in the Nayar community, being resorted to merely for the sake of educating the young son-in-law.

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*) : I cannot think of it. No.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*) : Not even a single instance ?

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*) : No.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*) : Will the member think about it and answer me ?

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*) : I cannot think of any such instance.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*) : Is it not a fact that educated men, sometimes, marry their daughters, when they are between ten and fourteen, to suitable husbands who are then sent to England for higher studies ?



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DR. K. RAMAN TAMPI (*Inspecting Medical Officer*): There *are* stray cases of the kind.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is it from the point of view of the advantage to the community that even educated men, who know of the evils of child-marriage, encourage such marriages and still prevent the evil effects apprehended by a doctor?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*): It is not at all advantageous.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does the member speak from the point of view of education or from that of the economic prosperity of the community?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*): From no standpoint it is advantageous. Because when these sons-in-law return after education abroad and come to see their baby-wives, there is sure to be disruption of the family.

MR. S. KRISHNA PILLAI (*Karunagapalli*): If that be the opinion of the member, may I know whether any such instance has ever been brought to his notice?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*): Yes.

MR. S. KRISHNA PILLAI (*Karunagapalli*): So, am I to understand that the member's experience is that such occasions are common among the members of the Nayar community or the non-Brahmin community?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*): After all, of late only one or two of such instances have been brought to my notice.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Are there not unhappy marriages even among adults?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*): Yes.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Are the chances for disruption of the family and misery more in the case of child-marriages than in other cases?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*): Yes.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): At what stage is a girl expected by Nature to give birth?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*): That is not the issue now. The point is, she must be able to rear her children. It is only when she is sixteen or eighteen that she can understand that.

MR. A. THANU PILLAI (*Trivandrum*): Does Nature expect every girl to become a mother? (*Laughter.*)

DR. K. RAMAN TAMPI (*Inspecting Medial Officer*): Certainly not.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is it the opinion of the member, that maternity is a very great responsibility which ought not to be undertaken by a girl?

DR. K. RAMAN TAMPI (*Inspecting Medical Officer*): Yes.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): If undertaken, it will ruin the girl; is it not?

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**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*) : Yes.

**MR. K. P. ABRAHAM** (*Muvattupuzha* cum *Todupuzha*) : Is it the member's opinion that the number of child-widows is the criterion for judging the amount of evil done by early-marriage ?

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*) : In Travancore, we are mainly concerned with communities among whom the question of widowhood does not come up at all.

**MR. K. P. ABRAHAM** (*Muvattupuzha* cum *Todupuzha*): Why did the member say that child-widowhood is a serious evil following from effects of child-marriage ?

**DR. K. RAMAN TAMPI** (*Inspecting Medical Officer*): In the case of those communities in which widow-remarriage is not the custom, these child-widows have to remain as widows throughout their lives. They have to lead a miserable life.

**MR. K. MADHAVAN PILLAI** (*Trivandrum* cum *Neduvangad*) : I suppose the member's point was that the child-widows exist only on account of child-marriages ?

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*) : May I remind the member of the time-limit ?

**DEPUTY PRESIDENT** : I think the member has a right to speak on the resolution.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*) : He is like every other member so far as this resolution is concerned.

**DEPUTY PRESIDENT** : The rules allow twenty minutes for the official member in charge of the resolution.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*) : In this case, Dr. Tampi is not in charge of the resolution. So, he is like every other member of this House.

**DEPUTY PRESIDENT** : He is speaking as the Government Medical Officer. So, I have allowed him some more time. Is there any member of the Syrian Christian community who desires to speak ?

**MR. K. GOPALAKRISHNA PILLAI** (*Parur*) : I stand up to speak, not because I hope to be able to add anything to the learned speeches already made by the two doctors. The main question is not whether child-marriage is a social evil or not. There is no difference of opinion with regard to that. Even the opposer of the resolution does not say that the social evil should be allowed to continue. He also states that it must be stopped ; but he does not want it to be stopped all on a sudden. He says that the number of child-marriages now-a-days is slightly decreasing, and that there is, therefore, no necessity for legislation. Education is slowly removing the evil ; and in course of time, without any trouble, it will drive away the evil. He does not admit that there are many cases of early-marriages now; and he says that the harm done to society, at present, by child-marriages, is not so great as to warrant preventive

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[Mr. K. Gopalakrishna Pillai.]

legislation. In a House which has legislated against traffic in women, an evil which did not, according to the Law Member who introduced that Bill, exist in Travancore, will it not be pardonable if a Bill is attempted to be introduced to stop the evil which is admittedly in existence here? The amendment to the Criminal Law was sought to be introduced by the Law Member for an evil which did not actually exist, but which may come into existence. Here, in the present instance, child-marriage *is* an evil which actually exists in the country. So, I do not think we would be ill-advised if we enact a legislation against the evil. Moreover, this is a measure that has been passed in British India after mature consideration. For years the problem was agitating in the minds of the leaders of India, and after mature consideration of all the aspects of the question, they have come to the conclusion that legislation alone would remedy the evil. Here, in Travancore also, the evil does exist. But, it is decreasing, may be because of education as the opposer of the resolution put it. But it is decreasing only very slowly. I think we have to be impatient in getting rid of this evil. The speed with which it is decreasing is very slow. We must do away with it, as soon as possible so that the vitality of the nation may be preserved. The member who opposed the resolution has not stated that there will be any harm resulting from enacting a measure of this kind.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): Is it the member's idea that on all harmless matters we should have legislation?

**MR. K. GOPALAKRISHNA PILLAI** (*Parur*): No. Now, there *is* an evil, and to get rid of it there is necessity for legislation. To oppose the suggestion, it is for Mr. Krisnna Pillai to make out that there is any harm likely to result from it. Education is not likely to root out the evil, because the education that is imparted today does not deal with sexual science or eugenics. If there is any decrease in the evil in recent years, it is due to the force of public opinion from outside. Education by itself cannot claim any credit for having done anything in this direction.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*): How does the member account for the decline in the number of child-marriages?

**MR. K. GOPALAKRISHNA PILLAI** (*Parur*): I have already stated that it is due to public opinion outside. Public opinion is a great factor in social matters. The member who opposed the resolution also said that the proposed legislation would be infringing on the rights of the individual. The individual forms part of society. The interests of society require that he should subordinate his interests for the good of the community. It is the individualistic tendency in us that has ruined us. If the individual would live for the welfare of the community, I am sure many of our social evils would disappear in no time. Therefore, society has a right to infringe on the rights of the individual in matters affecting social welfare. Sir, the existence of the Government itself is an infringement of the liberities of the people. So, shall we go in for anarchy or syndicalism?

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**MR. KRISHNA PILLAI** (*Karunagapalli*) : Why does the member say that the existence of the Government is an infringement on the liberty of the individual ?

**MR. K. GOPALAKRISHNA PILLAI** (*Parur*) : Because the individual is neither free nor is he allowed to be free.

**MR. S. KRISHNA PILLAI** (*Karunagapalli*) : When there is chaos among the people is it not better to have a properly constituted Government ?

**MR. K. GOPALAKRISHNA PILLAI** (*Parur*) : Anarchy is not chaos. It is a subject requiring some study. It is akin to syndicalism. My opinion is that when in very important matters the liberty of the individual is curtailed, there is absolutely no harm in doing so for the good of the society. With these words, I strongly support the resolution.

**DEPUTY PRESIDENT** : Any more speakers, please ? Mr. Kocheeppan Mappillai, do you wish to speak on the resolution ? Is there anybody from the Syrian Christian community who wants to speak on the resolution ?

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*) : Sir, the time is up. If the Chair is going to invite all the members to talk on this resolution, I do not know when the debate on this resolution is going to end.

**DEPUTY PRESIDENT** : The Syrian Christian community has been accused as the worst sinner in this matter ; and we would like to have their say on the matter. I do not think anybody can question the right of the Chair to call upon any member to speak.

**MR. K. P. ABRAHAM** (*Muvattupuzha* cum *Todupuzha*) : I think I should oppose the principle of the resolution. From the statistics furnished by the Census Commissioner and the views expressed by the Medical Officer, I think it has not been clearly proved that early marriage *is* an evil. The number of widows, at the last census, between the ages of 5 and 10 is 71 ; and between 10 and 15 years of age, their number is 509. These figures were made as a basis for showing that child-marriage was working serious harm on society. When I put the question to the doctor he said that the number of widows would in no way form a criterion for ascertaining the amount of evil due to child-marriage.

**MR. K. GEORGE** (*Chief Secretary to Government*) : According to the member, will the number of such marriages be a criterion for ascertaining the evil ?

**MR. K. P. ABRAHAM** (*Muvattupuzha* cum *Todupuzha*) : There must be some cause for the evil which has affected the physique. But, I am sure it is not due to child-marriage.

**MR. K. GEORGE** (*Chief Secretary to Government*) : Is there any rule prohibiting co-habitation soon after marriage ?

**MR. K. P. ABRAHAM** (*Muvattupuzha* cum *Todupuzha*) : No. But it has not been proved that child-marriage is the root cause of the trouble. At any rate, no case has been made out for having any legislative action against child-marriage.

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MR. S. KRISHNA PILLAI (*Karunagapalli*): Is not the member aware of the rule of law which prevents everyone from co-habitation with his wife before she completes twelve?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Yes.

MR. K. GEORGE (*Chief Secretary to Government*): Is it not the provision, regarding the age of consummation, that the member is now speaking of?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Yes. My point is this. If there are 71 widows, it means there have been 71 husbands who have died. The doctor tells us that child-marriage affects the woman's health more than the man's health. There are surely, cases of young bachelors dying. The number of widows therefore cannot be the criterion for ascertaining the amount of evil due to child-marriage.

MR. K. GEORGE (*Chief Secretary to Government*): But did not the doctor also tell us that the child-mother and also her children suffer on account of child-marriage?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): He simply made that statement without proving it.

Further, the statistics supplied by the Census Commissioner shows that there is really a decrease in the number of child-marriages and in the number of child-widows. We find this decrease not only in any one community but, practically in all communities, especially in the Syrian Christian community to which I have the honour to belong. Therefore, in my opinion, there is absolutely no hurry now for the enactment of a legislation preventing early marriage, In the case of Syrian Christians among whom early marriage is prevalent as it were as a custom, there is also the customary safeguard, prohibiting access, between the husband and wife in the early stages. That is to say, although the marriage is conducted at a very early age, still, as a matter of fact, we seldom find instances where a girl becomes a mother at the age of fourteen or before. The customary rules of behaviour effectively prevent the supposed evil.

MR. RAMA VARMA RAJA (*Edavagai*): കാൺഡോസെപ്ഷൻ ആണ ഷ്ടിപ്പാൽ പോരെ?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): അതു സാരമില്ലാ.

Frequently, child-marriages are resorted to in the anxiety of the parents to find proper husbands for their daughters. If they allow their daughters to wait and grow, suitable matches may not be available when the desired moment comes; and for mature girls it often becomes increasingly difficult to get proper husbands. The amount of dowry also multiplies as years elapse. For these reasons, the Syrian Christian community has been adopting the custom of early marriage. But conditions are changing, and without any hurried legislation I believe matters will improve. There is no necessity therefore for expediting any piece of legislation for this purpose.

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MR. K. I. KOCHEEPPAN MAPPILAI (*Nominated*): മി: രാമവർമ്മരാജ ഇവിടെ അവതരിപ്പിച്ച പ്രമേയത്തോട് ഞാൻ പരിപൂർണ്ണമായി യോജിക്കുന്നു. ഞാനുൾപ്പെട്ട സമുദായത്തിലെ നിയമം പ്രകാരം വയസ്സിലല്ലാതെ വിവാഹം നടത്താൻ പാടില്ലെന്നാണ്. അതുപോലെ തിരുവിതാംകൂറിലുള്ള മറുമക്കത്തായികൾക്കും വേറെ വേറെ നിയമം ഉണ്ട്.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): അതിനനുസരിച്ച് വിവാഹം നടക്കുന്നുണ്ടോ?

MR. K. I. KOCHEEPPAN MAPPILAI (*Nominated*): അങ്ങനെ നടക്കുന്നില്ല.

MR. N. K. KRISHNA PILLAI (*Neyyatinkara*): ഈ നിശ്ചയം ഏപ്പോഴാണുണ്ടായത്?

MR. K. I. KOCHEEPPAN MAPPILAI (*Nominated*): അഞ്ചുവർഷമാകും. അതിനാൽ ഞങ്ങളെസംബന്ധിച്ചിടത്തോളം നിയമം ആവശ്യമില്ലെങ്കിലും ബാല്യവിവാഹം നിരോധിക്കണമെന്നുള്ള അഭിപ്രായത്തോട് ഞാൻ പരിപൂർണ്ണമായി യോജിക്കുന്നു.

MR. RAMA VARMA RAJA (*Edavagai*): ഈപ്രമേയത്തെ എതിർത്തുകൊണ്ട് മി: കൃഷ്ണപിള്ള സംസാരിച്ചു. ടെക്സ്നിക്കൽ ഗ്രൗണ്ട് വച്ചുകൊണ്ടാണ് മി: കൃഷ്ണപിള്ള എതിർത്തത്, ഒരു ലാ പാസായാൽ അതുപോലെ വേറൊരു ലാ പാസാക്കിക്കൂടെന്നില്ല. പുതുതായി പാസാക്കുമ്പോൾ വേണ്ട ഭേദഗതി ചെയ്യാവുന്നതാണ്. മി: ഏബ്രഹാം പറയുന്നതു പണമേർപ്പാടിനെപ്പറ്റിമാത്രമാണ്. ലാ പാസാക്കുകയാണെങ്കിൽ ചിലരൂപീസിന് എക്സെപ്ഷൻ കൊടുക്കുന്നതുകൊണ്ട് തരക്കേടില്ല. ബറോഡാ, മൈസൂർ, ഈ രാജ്യങ്ങളിൽ അപ്രകാരം ചെയ്തിരിക്കുന്നു. ഈ കൗൺസിലിൽ ലാമെമ്പർ ഉണ്ടാക്കിക്കൊണ്ടുവരുന്ന എല്ലാ ബില്ലുകളും വളരെ വ്യത്യാസത്തോടുകൂടിയാണ് അവസാനത്തിൽ പാസാകുന്നത്. അതുപോലെതന്നെ ഈ സംഗതിയിലും വേണ്ട വ്യത്യാസങ്ങൾചെയ്ത് ഒരുബില്ലായി വെളിയിൽ ഇറങ്ങുകയില്ലെന്ന് എനിക്ക് വിശ്വാസമില്ല.

MR. A. NARAYANA PILLAI (*Vaikam*): ആവശ്യമുള്ള ഭേദഗതികൾ ചെയ്യുന്നതിന് അധികാരമില്ലെ?

MR. RAMA VARMA RAJA (*Edavagai*): ഉണ്ട്.

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head sirkar Vakil*). ഇതിനെസംബന്ധിച്ച് ഒരു ബില്ലുകൊണ്ടുവരുവാൻ വല്ല തടസ്സവുമുണ്ടോ?

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MR. RAMA VARMA RAJA (*Edavagai*): എനിക്കു യാതൊരുതടസ്സവുമില്ല.

MR. KAYALAM PARAMESVARAN PILLAI, (*Additional Head Sirkar Vakil*). ഈ റസല്യൂഷൻ പാസായാൽ ഒരു ബില്ലുകൊണ്ടുവരുവാൻ തടസ്സമുണ്ടോ?

MR. RAMA VARMA RAJA (*Edavagai*) റസല്യൂഷൻ ഗവൺമെൻറിൽ നിന്നും ബിൽ കൊണ്ടുവരണമെന്നല്ലെ? പിന്നെ ഈ ചോദ്യത്തിനവകാശമില്ല.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) ഗവണ്മെൻറിൽനിന്നും ഈ ബിൽ കൊണ്ടുവരണമെന്നാണൊ മെംബറുടെ അഭിപ്രായം?

MR. RAMA VARMA RAJA (*Edavagai*): അതെ. ഈ വിഷയത്തിൽ ഗവണ്മെൻറിന് തടസ്സമില്ലെന്നു പറഞ്ഞതിനും പുറമെ അനുകൂലമായിക്കൂടി പറയുന്നതുകൊണ്ടു ഗവണ്മെൻറിൽനിന്നുംതന്നെ ഒരു ബില്ലു കൊണ്ടുവരുന്നതിനു തയ്യാറാകുമെന്നു വിശ്വസിച്ചുകൊണ്ട് ഈ പ്രമേയത്തെ വോട്ടിനിടണമെന്ന് ഞാൻ അവശ്യപ്പെട്ടുകൊള്ളുന്നു.

DEPUTY PRESIDENT: Before putting the resolution to the vote, I would, as promised, make a statement. Because Mr. Kunjukrishna Pillai pointed out that—

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): It should not be taken that I wanted you to speak.

DEPUTY PRESIDENT: Far from it. I do not carry out any desire of Mr. Kunjukrishna Pillai in this matter. He pointed out that I was the solitary representative of a community which was the worst sinner in this respect. I would like to say that there is one other representative of that community here, *viz.*, Mr. Visvanatha Aiyar. I am thus only one of the representatives of that alleged sinning community. I may, at the outset say, that, so far as I am concerned, my personal view is that the resolution in its present form could not be supported on the short ground that this is a social legislation on a matter on which there have been sharp differences of opinion elsewhere and therefore not fit to be brought in as a Governmental measure.

MR. K. C. CHANDI (*Minachil cum Devicolam*): I rise to a point of order, Sir.

DEPUTY PRESIDENT: You are not entitled to raise a point of order now.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Rule 26 says that a point of order can be raised at any time.

DEPUTY PRESIDENT: But not when the President is on his legs.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I wish to point out, Sir, that Rule 26 allows a point of order to be raised at any time.

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**MR. S. KRISHNA PILLAI** (*Karunagapalli*) : I have another point of order, Sir. When the President is on his legs, no other member has a right to raise a point of order. I wish to know whether ,when the President is speaking, any other member has a right to raise a point of order.

**MR. K. KUNJUKRISHNA PILLAI** (*Quilon*) : With all respect, Sir, I wish to say that it is a difficult position in which we are placed. If the President makes a statement with respect to the procedure in this House, of course, we cannot question and we need not question. But when the President takes a particular point of view, with regard to a question under discussion we have a right to put questions to him.

**MR. KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*) : I submit, Sir, that the President has a right to give his opinion and he has also got a vote. He can give his opinion before the motion is put to the vote.

**DEPUTY PRESIDENT** : When the President is in possession of the House, members cannot address the House. As such, no point of order can be raised now. The right now claimed by Mr. Chandi has accordingly to be refused as inadmissible.

I was saying that, I am not for accepting the resolution on the short ground that, being purely a social matter, a matter upon which there are sharp differences of opinion, we should not have such a piece of legislation as proposed, brought in as a Governmental measure. Even now, there are, before the Legislative Assembly in British India, bile questioning the advisability of having its provisions on the Statute Boon -a bill which according to them wounded the religious susceptibilities of certain classes of people. There, not only a minority class like the Brahmin community—or as was referred to, the Tamil Brahmin community—but also a large body of Mussalmans want to delete the Sarda Act from the Statute Book. It is neither desirable nor expedient therefore resolve upon requesting Government to move it as a Governmenta bill, here.

As regards the resolution itself, what is it that is sought to be avoided or averted by this piece of legislation ? The first object is said to be the avoidance of *child motherhood*, and the second, that of enforced widowhood. These two, if I have understood correctly the members who have spoken in support of the resolution, are the two sole reasons which have prompted them to advocate its introduction. As regards child motherhood, I ask you whether the course proposed would prove an effective remedy, a remedy which will serve as a radical cure for the evil that has been sought to be avoided. In the first place, as pointed out by the Law Member, it is doubtful whether, even in spite of the penal provisons of the Sarda Act, such marriages could be said to be *ab initio* void. For, it has to be remembered that among certain communities here, marriage is not a mere contract. If it is a contract, its being opposed to law and its having been penalised, may render it unlawful and therefore legally unenforceable. But so far as the communities which hold marriage as a sacrament are concerned, the same, when once performed, must be deemed to have become indissoluble ; my

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[Deputy President,]

lawyer friends will agree with me in saying that the doctrine of *factum valet* will apply to such cases; that is, once it has become a fact, it continues to be such all through. With them, consent of the parties is not an essential ingredient for valid marriages as in the case of the Mahomedans. Under the Mahomedan Law such consent has to be given on behalf of minor parties by their guardians. The marriages of minors on such consent have been declared to be lawful among them; but the minor is allowed a right to repudiate such marriage immediately after he or she comes of age. But in cases under the Hindu Law, however, this is not permissible. Is it the object of this Council to interfere with this principle of the Hindu Law, because certain evils result from the type of marriages that take place now and to require marriage to be placed on the basis of ordinary contracts? I do not think any member of this House would go the length of saying that this has to be done. Among certain sections of the Hindus, a ceremony called marriage is gone through, as distinct from consummation, as one enjoined by their religious texts. It has been conceded that there are texts in the *smrities* either way, for and against such ceremonies. The relative binding nature of such texts is not a matter fit for discussion in this House.

Then the question is whether, while respecting the sentiments of those followers of the Hindu Law, the evils that are already referred to could be otherwise averted. The most effective solution of this difficulty lies, in my opinion, in raising *the age of consent*. I am not for discarding the expert opinion of the medical members of this House as regards the evil of premature maternity. Cetainly, our young men and our young women must be made stronger and more stalwart. The type of feeble invalid children that we sometimes have, must be avoided effectively and the rising youth of either sex must be made fit, healthy, and really useful citizens of the State in every sense of the term. For carrying out this purpose, is the Sarda Act, as we have now, really serviceable? As I have already pointed out, it is doubtful whether, under the Sarda Act, the marriage could be considered to be void. If it is not void, it may be said that there is the punishment for going through the marriages at ages below those prescribed under it. But consummation thereafter has not been penalised. Even if a punishment for such a marriage has been undergone, consummation thereafter between the couple has not been interdicted. If you raise the age of consent, and fix it at that advised by our medical experts to be the fit and proper one for conception, the evil results now apprehended could be effectively stopped. Even though the relationship of husband and wife exists, their cohabitation would be penal if effected below the ages so prescribed.

There was some reference in the course of the debate to the difficulties that may be experienced in proving the ages of the couple in such cases. In answer to this, I would only say that such fears could not be considered as weighty. There are other provisions in the penal statutes now where ages have to be proved. Take, for instance, the offence of kidnapping. There are several ways by which evidence could

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be adduced as regards age. There is the medical expert who could be resorted to for saying with certainty what the age of a party is. Proof of age is thus not such a difficult matter as to justify the adoption of the ineffective course now suggested.

Then there is the question of enforced widowhood. No question of enforced widowhood really arises. Instances of widow—remarriage are frequently come across now. There may also be cases where widows may themselves refuse to remarry. The only course under the circumstances for this House is to see that the disabilities, if any exist, are removed by means of enabling provisions in other suitable statutes. It may perhaps be said that such remarriages may bring on social ostracism in some cases. There are the provisions of the law of slander and libel, both civil and criminal, which may be invoked in appropriate cases for avoiding this.

I would for these reasons state that I cannot accord my support to the resolution now before the House.

I would now proceed to put the resolution to vote.

The resolution was put and carried.

Mr. **KAYALAM PARAMESVARAN PILLAI** (*Additional Head Sirkar Vakil*) : I demand a poll.

A poll was taken and the House divided as follows :

AYES—30.

1. Mrs. Anna Chandi.
2. Mr. K. C. Chandi.
3. Mr. S. Chattanatha Karayalar.
4. Mr. A. S. Damodaran Asan.
5. Mr. R. Dhanukoti Pillai.
6. Mr. K. George.
7. Mr. K. Gopalakrishna Pillai
8. Mr. M. Govindan.
9. Mr. N. John Joseph.
10. Mr. Joseph Kunju.
11. Mr. K. I. Kocheeppan Mappillai.
12. Mr. N. K. Krishna Pillai.
13. Mr. A. Kumara Pillai.
14. Rao Sahib Dr. N. Kunjan Pillai.
15. Mr. K. Kunjukrishna Pillai.
16. Mr. C. O. Madhavan.
17. ,, K. Madhavan Pillai.
18. ,, K. P. Madhavan Pillai.
19. ,, M. Mahomed Mustapha.
20. ,, P. S. Mahomed.
21. ,, E. G. McAlpine.
22. ,, A. Narayana Pillai.
23. ,, R. Nilakanta Pillai.
24. ,, N. K. Padmanabha Pillai.
25. Dr. K. Raman Tampi.
26. Mr. Rama Varma Raja.
27. ,, N. A. Sundaram Pillai.
28. ,, A. Thanu Pillai.
29. ,, R. Vaidyalingam Pillai.
30. ,, J. S. Westerdale.

NOES—5.

1. Mr. K. P. Abraham
2. ,, L. A. Bishop.
3. ,, S. Krishna Pillai.
4. Mr. M. P. Madhavan Pillai.
5. ,, P. Visvanatha Aiyar.

NEUTRALS—3.

1. Mr. Kayalam Paramesvaran Pillai.
2. Mr. E. V. Krishna Pillai.
3. ,, K. Narayanaperumal Nadar

The resolution was declared carried.

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The House* adjourned *sine die* at 5-9 P. M.

P. VISVANATHA AIYAR,
*Secretary to the Legislative Council.*

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* The Council was prorogued by the following notification published in the issue of the Gazette dated the 3rd May 1932 :—

NOTIFICATION

R. O. C. No. 405|32|Legis.

Under order 4 (1) of the Travancore Legislative Council Standing orders, it is hereby notified that the First Session 1107 of the Legislative Council is prorogued.

T. AUSTIN,
*Dewan.*

Huzur Cutcherry,
Trivandrum, 7th April 1932.

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